

of Kentucky relative to the farmers and planters of this country who lost money in 1920; to the Committee on Ways and Means.

5723. Also, petition of William McConnell, city prosecutor, and J. Friedlander, assistant city prosecutor, city of Los Angeles, Calif., urging continuation of the appropriation for the Interdepartmental Social Hygiene Board; to the Committee on Appropriations.

5724. Also, petition of A. C. Denny, secretary of Upper Valley Grange No. 389, of Etna Mills, Calif., relative to the Federal Farm Loan Board and Federal land banks; to the Committee on Banking and Currency.

5725. Also, petition of Mrs. Arvilla Gardner, of Sacramento, Calif., urging the early passage of the Bursum and Morgan pension bills; to the Committee on Military affairs.

5726. By Mr. ROSENBLUM: Resolution adopted by the Presbytery of Grafton, at Mannington, W. Va., indorsing House bill 9753, to secure Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

5727. Also, resolution adopted by the Presbytery of Grafton, at Mannington, W. Va., indorsing House Joint Resolution 131, relative to prohibiting polygamy and polygamous marriages, and also Senate Joint Resolution 31, relative to regulating the subject of marriage and divorce; to the Committee on the Judiciary.

5728. By Mr. RYAN: Petition of Edward D. Marshall and several hundred others, of New York City, ex-soldiers and ex-sailors of the World War, and other citizens of the United States, urging the passage of House bill 10890, adjusted compensation for veterans of the World War; to the Committee on Ways and Means.

5729. Also, petition of George W. Lewis and several hundred other ex-soldiers and ex-sailors of the World War, and other citizens of the United States, urging the passage of the bonus bill, H. R. 10890; to the Committee on Ways and Means.

5730. By Mr. SABATH: Petition of the Fraternal Order of Eagles No. 769, of Homestead, Pa., requesting modification of the present laws to permit the sale of light wines and beer; to the Committee on the Judiciary.

5731. Also, resolution of the International Association of Fire Fighters, favoring the modification of the national prohibition act to permit the manufacture and sale of beer and wine; to the Committee on the Judiciary.

5732. By Mr. SANDERS of New York: Petition of the Medina Automobile Club, of Medina, N. Y., through its president, L. J. Skinner, protesting against the passage of House bill 11251; to the Committee on Ways and Means.

5733. By Mr. WOODYARD: Memorial of the Huntington Chamber of Commerce, Huntington, W. Va., indorsing the fundamental principles of ship subsidy as embodied in the shipping act of 1922; to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, May 23, 1922.

(Legislative day of Thursday, April 20, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Myers	Smoot
Ball	Glass	Nelson	Stanley
Borah	Gooding	Newberry	Sterling
Brandegee	Hale	Nicholson	Sutherland
Broussard	Harris	Oddie	Townsend
Bursum	Harrison	Overman	Underwood
Capper	Johnson	Page	Wadsworth
Colt	Jones, N. Mex.	Pepper	Walsh, Mass.
Culberson	Jones, Wash.	Phipps	Walsh, Mont.
Curtis	Kellogg	Pittman	Warren
Dial	Ladd	Polindexter	Watson, Ga.
Edge	Lodge	Ransdell	Williams
Elkins	McCumber	Rawson	Willis
Ernst	McLean	Robinson	
Fletcher	McNary	Sheppard	
France	Moses	Simmons	

Mr. LADD. I was requested to announce that the Senator from Nebraska [Mr. NORRIS], the Senator from Alabama [Mr. HEFLIN], and the Senator from Wyoming [Mr. KENDRICK] are detained at a hearing before the Committee on Agriculture and Forestry.

The VICE PRESIDENT. Sixty-one Senators having answered to their names, a quorum is present.

ACCOUNTS OF CHARLES B. STRECKER (S. DOC. NO. 203).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of proposed bill authorizing an appropriation of \$15,956 to be made, being the balance due the United States and remaining unadjusted in the accounts of the Treasurer of the United States and of Charles B. Strecker, former Assistant Treasurer of the United States at Boston, Mass., upon the discontinuance of the subtreasury at Boston on October 25, 1920, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5018. An act to authorize the widening of First Street N.E., and for other purposes;

H. R. 5020. An act to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes; and

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a resolution of the Michigan Automotive Trade Association, protesting against the enactment of legislation for the Federal taxation and registration of motor vehicles, which was referred to the Committee on Interstate Commerce.

He also presented a resolution of the Michigan Automotive Trade Association, favoring the passage of the so-called McNary-Smith cooperative reclamation bill, which was referred to the Committee on Irrigation and Reclamation.

He also presented a resolution of the Michigan Automotive Trade Association, favoring the construction of the Great Lakes-St. Lawrence waterway for ocean-going vessels, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Crowell, Yale, Melvin, Elkton, Pigeon, Bad Axe, Fillion, North Branch, Almont, Dryden, Swartz Creek, Durand, and Vernon, all in the State of Michigan, praying for the imposition in the pending tariff bill of a duty of \$2 per 100 pounds on Cuban sugar, which were referred to the Committee on Finance.

Mr. JONES of Washington presented petitions of sundry citizens of the State of Washington, praying that only a moderate duty on kid gloves be imposed in the pending tariff bill, which were ordered to lie on the table.

Mr. JONES of Washington. I ask unanimous consent to have printed in the RECORD a telegram which I have received from several Republican papers in my State, protesting against the failure of Congress to pass the proposed reclamation act.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

YAKIMA, WASH., May 20, 1922.

WESLEY L. JONES, Washington, D. C.:

Following a meeting here to-day of the Yakima-Benton-Kittitas group of the Washington State Press Association, Republican members of the group adopted the following resolution:

"Whereas the Republican Party in the last national campaign gave to the voters of the Nation its pledge to put into operation a speeded-up and enlarged program of reclamation; and

"Whereas the McNary-Smith bill, now pending in Congress, was framed as a fulfillment of that pledge and as such has received the official sanction of the administration; and

"Whereas said McNary-Smith bill has been unanimously recommended for passage by committees in both Houses of Congress; and

"Whereas enactment of said McNary-Smith bill will stimulate business and industry, relieve unemployment, contribute materially to the Nation's wealth, and inure to the special benefit of the returned soldiery without prejudice or preference to any project, section, or district of the unclaimed areas of the Nation: Now therefore be it

Resolved by the following Republican newspaper publishers of the State of Washington, That failure of the Republican majority in Congress to pass the said McNary-Smith bill at the present session will be regarded by us as an inexcusable breach of faith on the part of the national Republican Party, and we hereby declare that we no longer consider ourselves either by reason of our past affiliations or the party's future promises bound to continue our support of the national Republican Party."

Republican newspapers represented at to-day's meeting were Ellensburg Record, Sunnyside Sun, Grandview Herald, Wapato Independent, Toppenish Review, Toppenish Tribune, Kennewick Courier-Reporter, Zillah Mirror, Richland Advocate, Prosser Record-Bulletin.

Mr. NELSON presented a resolution adopted by the Minnesota Tax Conference at Minneapolis, Minn., favoring the passage of House bill 9579, to amend section 5219 of the Revised Statutes of the United States, relative to taxation of national

banking associations, which was referred to the Committee on Banking and Currency.

He also presented memorials of sundry citizens of Bemidji, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CAPPER presented resolutions of the Central Parent-Teachers' Association, the Maccochaque Parent-Teachers' Association, the Western Highlands Study Club, and the Council of Clubs, all of Kansas City, Kans., favoring the enactment of legislation creating a department of education, which were referred to the Committee on Education and Labor.

Mr. WILLIS presented the petition of Mrs. S. S. Kelly and sundry other citizens of Cincinnati, Ohio, praying that only a moderate duty be imposed in the pending tariff bill on kid gloves, which was referred to the Committee on Finance.

He also presented the petition of G. W. Hoffer and sundry other citizens of Metamora and vicinity, in the State of Ohio, praying for the imposition in the pending tariff bill of a duty of \$2 per 100 pounds on Cuban sugar, which was referred to the Committee on Finance.

Mr. SHORTRIDGE presented a resolution adopted by the Los Angeles Presbytery of the Presbyterian Church, at Long Beach, Calif., favoring an amendment to the Constitution providing for uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at the annual meeting of the Woman's Christian Temperance Union of Orange County, Calif., protesting against any weakening amendment to the so-called Volstead Act, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the conference of the International Association of Fire Fighters, favoring the legalizing of the manufacture and sale of beers and light wines, the establishment of peace at home and abroad and granting to small nations the right of self-government, the restoration of the liberties of the people and the release of political and war prisoners, and the reduction of appropriations for war purposes, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by Berkeley Post, No. 7, American Legion, of Berkeley, Calif., commending the President of the United States in refusing clemency to political prisoners and protesting against reducing the strength of the military and naval forces of the United States, which were referred to the Committee on the Judiciary.

He also presented a resolution of the board of directors of the Sacramento (Calif.) Chamber of Commerce, protesting against any present change in the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3634) granting a pension to William Croft (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3635) for the relief of John R. Scupham; to the Committee on Claims.

A bill (S. 3636) authorizing the appointment of Leland C. McAuley to be a captain in the Air Service, United States Army; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 3637) to establish an agricultural experiment station at Fort Mohave, in the county of Mohave, Ariz.; to the Committee on Agriculture and Forestry.

By Mr. MCKINLEY:

A bill (S. 3638) to abolish the office of Superintendent of the Library Building and Grounds and to transfer the duties thereof to the Architect of the Capitol and the Librarian of Congress; to the Committee on the Library.

By Mr. CAPPER:

A bill (S. 3639) to provide credit facilities for the orderly marketing of agricultural products, and for the preservation and development of the live-stock industry of the United States; to amend the Federal reserve act; to extend and stabilize the market for United States bonds and other securities; to extend the powers of the Federal Farm Loan Board created by the farm loan act; to provide fiscal agents for the United States and for the War Finance Corporation; and for other purposes; to the Committee on Banking and Currency.

TARIFF BILL AMENDMENTS.

Mr. STERLING submitted two amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 7456, the tariff bill, which was referred to the Committee on Finance and ordered to be printed.

Mr. POINDEXTER submitted two amendments intended to be proposed by him to House bill 7456, the tariff bill, which were ordered to lie on the table and to be printed.

LAND OFFICES IN NORTH DAKOTA.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 3425) to continue the land offices at Belle Fourche, Timber Lake, and Lemmon, in the State of South Dakota, and for other purposes, which was ordered to lie on the table and to be printed.

LIBERIAN LOAN.

Mr. LODGE. I ask that the joint resolution from the House referring to the Liberian credit, which was put over because of my absence, may be referred to the Committee on Finance. It clearly ought to go to that committee, which has charge of all credits, and I ask that it be now so referred.

There being no objection, the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia was taken from the table and referred to the Committee on Finance.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 5018. An act to authorize the widening of First Street NE., and for other purposes;

H. R. 5020. An act to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes; and

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.

AMENDMENT OF WAREHOUSE ACT.

Mr. HARRIS. Mr. President, I ask unanimous consent for the present consideration of Senate bill 3220, which has been reported from the Committee on Agriculture and Forestry. I have discussed the proposed substitute bill with the Senator from Oregon [Mr. McNARY], one of the ablest lawyers in the Senate and a member of the Committee on Agriculture and Forestry. A number of other Senators have examined it, and all favor it. The Secretary of Agriculture requests the proposed changes, and the amendments in the bill were prepared by department officials. He recommends that the changes be made in the bill as reported and states that the amendments suggested are the result of experience in the administration of the act by the division in the Bureau of Markets. I will place his letter in the RECORD, showing the reasons for the change. There will be no objection, I am sure, on the part of any Senator who will examine it. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The typewritten bill, sent to the desk by the Senator from Georgia, is not identical with the original bill?

Mr. HARRIS. It is the original bill with other amendments suggested by the Department of Agriculture. I ask that it be substituted for the original bill.

The VICE PRESIDENT. The bill will be reported for the information of the Senate.

The ASSISTANT SECRETARY. A bill (S. 2220) to amend section 2 of the United States warehouse act, approved August 11, 1916. The Senator from Georgia reports from the Committee on Agriculture and Forestry a substitute to strike out all after the enacting clause and insert.

Mr. SMOOT. The original bill was reported from that committee?

Mr. HARRIS. This is the bill reported from the Committee on Agriculture and Forestry. I am offering other amendments to the bill, all of which were prepared by the officials of the Department of Agriculture having charge of the administration of the act, and they have the approval of the Secretary of Agriculture, one of the best men who has ever occupied that position. The amendments, if adopted, will add to the security of persons making loans in these warehouses and also add to the security of farmers storing their agricultural products.

Mr. SMOOT. I want to know whether the proposed amendment offered by the Senator has been acted upon by the committee and whether he is authorized to report it as a substitute for the original bill now on the calendar.

Mr. HARRIS. The original bill was recommended by the Committee on Agriculture and Forestry, but related only to the matter of the products designated by the Secretary of Agri-

culture. The substitute I offer contains some other amendments which the Secretary of Agriculture asked me to offer when the bill was referred to him by the committee. The bill I have sent to the desk embraces all amendments, and I ask that it be substituted for the bill previously offered.

Mr. SMOOT. Do I understand that the Committee on Agriculture and Forestry has agreed to and authorized the Senator to offer these amendments, or is he offering them on his own account?

Mr. HARRIS. The Department of Agriculture approved the first amendment which I offered, allowing the Secretary of Agriculture to designate the agricultural products to be stored in a warehouse instead of naming them in the bill and limiting to a few products. The other amendments were all offered on the request of the Department of Agriculture.

Mr. SMOOT. The Secretary of Agriculture may ask it, but I think the committee had better act upon it before the Senate considers it.

Mr. PITTMAN. Mr. President, let me see if I understand the situation. There is a bill which has been reported from the committee and which is now on the calendar.

Mr. HARRIS. That is true.

Mr. PITTMAN. That bill has certain amendments put in it by the Committee on Agriculture and Forestry.

Mr. HARRIS. The bill was reported without amendment, but the committee agrees to the principal amendment.

Mr. PITTMAN. The Senator from Georgia is now asking unanimous consent to take up that bill, and that consent has been granted.

Mr. SMOOT. No; it has not been granted.

Mr. PITTMAN. I assumed that it had been granted.

Mr. SMOOT. Not yet.

Mr. PITTMAN. If it is granted and the bill is brought up for consideration, the Senator from Georgia is going to offer an amendment in the nature of a substitute.

Mr. SMOOT. The Senator from Nevada stated it just as I understand it, and as I stated it, but I went further than the Senator from Nevada, and asked the Senator from Georgia if the amendment had been approved by the Committee on Agriculture and Forestry.

Mr. PITTMAN. There are evidently some amendments in the substitute which the committee have not approved.

Mr. HARRIS. Some have and some have not been approved by the committee. At the request of the Senator from Utah I had the Senator from Oregon [Mr. McNARY] go into the matter thoroughly. He approves all amendments and says they will strengthen the act. The Bureau of Markets, which has the administration of the measure, through the Secretary of Agriculture, requests that it shall be amended this way. The Government can lose nothing by these amendments; it issues a license and places warehousemen under bond; but it strengthens the act and affords the farmer—wool and tobacco growers—better protection, enabling them to get cheaper insurance, lower rates of interest on money borrowed, because the man who loans money on the products has a guarantee that the products on which he makes a loan are stable, in good condition, and the warehouseman's bond protects them.

Mr. SMOOT. I thought, of course, when the Senator spoke to me about it that these amendments had been approved by the committee. Therefore, I asked the Senator at the time to discuss the matter with the Senator from Oregon, who is a member of the committee and who was in the Chamber at the time.

Mr. HARRIS. Mr. President, in order to save the time of the Senate, I wonder if the Senator from Utah would not let this bill go through and let me place in the RECORD the reasons set forth by the Agricultural Department for the changes proposed, and to-morrow, if he objects to any of them, we can reconsider the vote by which the bill was passed and send it back to the committee. If he will agree to do that, I think it will save time, and I am sure no Senator will object to any of the changes proposed.

Mr. SMOOT. Of course, I do not know what they are.

Mr. HARRIS. One is to provide for licensing samplers in warehouses to ascertain values of products and insure a correct statement as to the condition of the products in a warehouse. It is designed to guarantee the man who lends the money on the products that the goods on which he makes the loan are not only in the warehouse and graded or classed so as to know the value, but that they are in good condition. Further, it is to place a penalty on the warehouseman if he fails to do his duty.

Mr. SMOOT. Is the Government responsible?

Mr. HARRIS. No. The Government licenses the warehouse. The warehouseman is under bond. If he makes a statement as to commodities in the warehouse which is untrue, or if he allows

to go out of the warehouse goods on which there is a mortgage, this bill will make him liable, and the penalties will make him careful about everything pertaining to the products stored—weights, condition, etc.

Mr. UNDERWOOD. Mr. President, I hope the Senator from Utah, unless there be some grave cause, will allow the bill to go through. We have adopted the policy of allowing some uncontested measures to be acted upon, and it seems to me that policy should be followed in this instance.

Mr. SMOOT. It is not a question of not allowing it to be acted upon, but it seems to me that it involves a more or less serious question; and I really do not know, from what the Senator from Georgia has said, whether the Government of the United States is to be responsible in case the goods shall be removed from the warehouse.

Mr. HARRIS. The Government of the United States is not responsible. The bill is designed to make the warehouseman more particular about the goods in the Government warehouse. He is licensed to take charge of the goods in the warehouse. The bill will protect the man who lends money on farm products, and it will protect the farmer who places his products in the warehouse. Its enactment is requested because of the experience of the Agricultural Department in connection with Government warehouses in the past.

Mr. SMOOT. Who is going to lend the money on the products—the Government or the banks?

Mr. HARRIS. The banks; the Government has nothing to do with it. It simply gives a license to the warehouseman, places him under bond, and makes it a penalty for him to issue false receipts, dispose of, or damage agricultural products stored in the warehouse.

Mr. SMOOT. That is what I wanted to be sure of.

Mr. HARRIS. The bill does not impose any additional obligations on the Government.

Mr. UNDERWOOD. As I understand the proposition, some years ago we passed a Government warehouse bill, authorizing the Government to license warehouses. Whether that was right or wrong, that is the law; it is an established fact. Now, as I understand, the bill of the Senator from Georgia has the approval of the Secretary of Agriculture and of the chairman of the Agricultural Committee, even as to the amendment proposed. It is merely designed to impose such requirements as will better protect the warehouse certificate, so that the bank that lends the money may feel that it has better security than it has under existing law. That is all there is in the measure, and at this time it will be very useful. I hope the Senator will allow it to go through.

Mr. SMOOT. Mr. President, on the statement of the Senator from Georgia, I have no objection to having the bill considered now, but, after the proceedings are published in the RECORD and I understand more clearly what it involves, if I think it ought to be reconsidered I shall expect the Senator from Georgia not to object to its reconsideration.

Mr. HARRIS. Not at all; I shall be very glad to have the Senator, in that event, ask for its reconsideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3220) to amend section 2 of the United States warehouse act, approved August 11, 1916.

Mr. HARRIS. I offer to the bill the amendment in the nature of a substitute which I have sent to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and insert:

That section 2 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 2. That the term 'warehouse' as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this act 'person' includes a corporation or partnership or two or more persons having a joint or common interest; 'warehouseman' means a person lawfully engaged in the business of storing agricultural products; and 'receipt' means a warehouse receipt."

That section 5 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 5. That each license issued under sections 4 and 9 of this act shall terminate as therein provided, or in accordance with the terms of this act and the regulations thereunder, and may from time to time be modified or extended by a written instrument."

That section 11 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 11. That the Secretary of Agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored

or to be stored in a warehouse licensed under this act, according to condition, grade, or otherwise, and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him.

That section 12 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 12. That any license issued to any person to inspect, sample, or classify or to weigh any agricultural product or products under this act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing."

That section 15 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 15. That any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act."

That section 19 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 19. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other act of Congress shall be, and are hereby, adopted for the purposes of this act as the official standards of the United States for the agricultural products to which they relate."

That section 29 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 29. That nothing in this act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this act; nor shall this act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States."

That section 30 of the United States warehouse act, approved August 11, 1916, is amended to read as follows:

"Sec. 30. That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000 or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such product to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this act, or who shall classify, grade, or weigh fraudulently any agricultural products stored or to be stored under the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof fined not more than \$500 or imprisoned for not more than six months, or both, in the discretion of the court."

During the reading of the amendment,

Mr. PITTMAN. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. Is the Secretary now reading the proposed amendment or is he reading the original bill?

Mr. HARRIS. He is reading the amendment submitted by me in the nature of a substitute.

Mr. PITTMAN. Has the original bill been read? I should like to have the bill read first, in order to ascertain what it is the amendment is directed to.

Mr. HARRIS. It is an amendment to the Government warehouse act.

The VICE PRESIDENT. It is Senate bill 3220, which, of course, has been printed.

Mr. PITTMAN. I understand what Senate bill 3220 is; I have it before me, but I should like to know whether Senate bill 3220 is incorporated in the proposed amendment?

Mr. HARRIS. It is.

Mr. PITTMAN. Entirely?

Mr. HARRIS. Entirely.

After the conclusion of the reading of the amendment,

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916."

Mr. HARRIS. Mr. President, I ask permission to place in the Record a letter from the Secretary of Agriculture in regard to the measure just passed, to which I previously referred, together with the accompanying memorandum of amendments requested by the department, which are the only amendments to the bill except the original amendment which I described, and which was the first to be considered. I ask permission also to have printed in the Record a statement which I have prepared of the benefits which will come to the warehouses which have been and will be licensed under the bill.

There being no objection, the matter was ordered to be printed in the Record, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, May 13, 1922.

Hon. WILLIAM J. HARRIS,
United States Senate.

DEAR SENATOR: In accordance with an informal request which I understand you recently made of the Bureau of Markets and Crop Estimates, there have been prepared in that bureau by our people who are familiar with the subject some suggested amendments to the United States warehouse act, together with a memorandum in explanation thereof. This matter has been gone into very carefully, and these amendments are the result of experience in the administration of the act by the division in the Bureau of Markets and Crop Estimates that is charged with that responsibility.

Sincerely yours,

HENRY WALLACE, Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF MARKETS AND CROP ESTIMATES,
Washington, May 11, 1922.

(Memorandum in explanation of suggested amendments to the United States warehouse act, attached hereto.)

In the suggested amendments to the United States warehouse act, attached hereto, additional or new language has been underscored. Where words are to be omitted lines are run through them and attention will be called thereto in this memorandum.

The first amendment suggested amends section 2 by striking out the following sentence: "The term 'agricultural product' wherever used in this act shall be deemed to mean cotton, wool, grain, tobacco, and flaxseed, or any of them."

In explanation of that amendment it should be said that the department has had a number of requests in the past several years to license warehouses which are used for the storage of agricultural products other than those now enumerated in the act. There are pending in Congress at this time several amendments to the act which have as their object enlarging the number of the products which might be stored in licensed warehouses and for which licensed receipts should be issued. These amendments range from specifying a few additional products to the inclusion of all agricultural or horticultural products. In addition there are pending a number of important bills providing for additional credit facilities based in part upon warehouse receipts for agricultural products. It is believed that the purpose of those seeking amendments to the act and the intent of the act, as well as that of proposed credit legislation, can best be carried out if it is left discretionary with the Secretary of Agriculture to determine what agricultural products are suitable for storage under the warehouse act.

The amendment made to section 5 removes the one-year limitation now placed upon licenses. No good reason is apparent for limiting the life of all licenses to one year. The limitation now in the act makes it necessary for a warehouseman to file an application and bond every year, causing both the warehouseman and the department unnecessary work. Under the suggested wording the license can be terminated any time the licensee fails to observe the act or the regulations promulgated thereunder.

Section 11 of the act it is suggested be amended to provide for licensing persons to inspect and sample products and to certificate the condition of such products. Section 11 now provides for the licensing of persons to classify and weigh agricultural products stored in warehouses licensed under the act. To properly classify certain products, such as tobacco and grain, it is highly important to have an accurate and representative sample of the commodity. Therefore licensing samplers it is believed will impress the samplers more keenly with the responsibility imposed upon them.

Section 12 it is suggested be amended by adding at two places the words "inspect, sample, or," so as to make this section conform with the amendment suggested to section 11, which provides for the licensing of samplers.

Section 15 of the act it is suggested be amended so as to strike out from the first line thereof the words "grain, flaxseed, or," and the word "other" in that same line, making the section read as indicated in the attached draft. As the section now reads, there has been doubt as to whether grain or flaxseed, regardless of the manner in which they may be stored, are not under all conditions made by the law fungible agricultural products. Under certain conditions grain is so stored as to make it no more fungible than any of the other products enumerated in the act. For instance, in the Northwest and on the Pacific coast generally it is customary to store grain in sacks; that is, the grain is all sacked before being placed in the warehouse. In other sections at times grain is specially binned. Either of these methods results in preserving the identity of the particular grain stored, and there is no valid reason why a requirement should be imposed by law

upon identity-preserved grain which is not imposed upon the other products, such as cotton, now mentioned in the act.

Section 19 it is suggested be amended by striking out the words "in this act defined." The amendment suggested to section 2 eliminates the definition of "agricultural product," and therefore the words "in this act defined" are useless.

The only suggested amendments to section 29 are to insert the words "inspectors" and "samplers" at the two places indicated. These changes are suggested to make this section harmonize with the suggested amendments to sections 11 and 12.

The amendments suggested to section 30 first enlarge the scope of offenses which a warehouseman might commit and for which he might be punished under this act; second, they increase the severity of the penalty which may be imposed; and, third, provision is made for imposing penalties on persons who draw, with intent to deceive, a false sample of a product or who willfully mutilate or falsely represent a sample drawn under the act, or who fraudulently grade or weigh agricultural products stored or to be stored under the provisions of the act.

It is not believed that the offenses now punishable under the act are sufficiently broad in scope, nor is it believed that penalties are severe enough. As the act reads now a warehouseman can be punished, first, if he forges, alters, counterfeits, simulates, or falsely represents a license, or if he represents himself to be licensed when he is not, or if he issues or utters a false or fraudulent receipt or certificate. It is believed that a warehouseman might commit any of the other acts enumerated in the suggested amendments and still not be punishable under the act. The commission of any of these acts would in many instances be more serious to the depositor of agricultural products than the commission of the acts which the law now provides for punishing. While the act provides that the Secretary shall require a bond before a warehouseman becomes licensed, and while it is the intention that this bond shall be for the protection of depositors, on the other hand it must be recognized that the amount of bond which should be required must not be prohibitive. This recognition has been made. Offenses such as the suggested amendments contemplate to reach might be committed in such amount as to wipe out the amount of bond and still leave unsatisfied claims of depositors. It is not believed that the amount of bond which is required can well be increased. It is believed, on the other hand, that the penalties which are suggested will have a salutary as well as deterring influence upon warehousemen who may be tempted to go wrong.

Because of the importance of drawing of proper and representative samples and of the importance of proper classification, grading and weighing to the integrity of the receipt for collateral purposes, the penalty section suggested for reaching samplers, classifiers, graders, and weighers should materially strengthen warehouse receipts issued under this act.

Mr. HARRIS. Mr. President, many benefits come to those warehouses licensed under the Federal act. The patrons of such warehouses will enjoy a 25 per cent reduction in insurance rates, and as warehousemen they themselves will be granted a reduction of 25 per cent in insurance rates on both the warehouses and their equipment.

Great progress has been made under the warehouse act during the past two years and great strides have occurred in the past year, according to Mr. H. S. Yohe, in charge of the administration of the United States warehouse act, under the Bureau of Markets and Crop Estimates in the Department of Agriculture. The warehouse act was passed in August, 1916. From that date until April 1, 1920, there were licensed 23 cotton warehouses, with a combined capacity of 40,050 bales, and only 5 grain warehouses, with a total capacity of 136,000 bushels. One year later, on April 1, 1920, there were licensed 238 cotton warehouses, with a combined capacity of 429,975 bales, and 56 grain warehouses, with a total capacity of 2,108,400 bushels.

There were no licensed wool warehouses on April 1, 1920, but one year later there were five licensed wool warehouses with a capacity of 97,500 bags, or approximately 24,375,000 pounds. Although the act applied to tobacco warehouses, no licenses were issued up to April 1, 1921.

The department had licensed 269 cotton warehouses with a combined capacity of approximately 1,250,000 bales up to April 1, 1922. On that date 264 grain warehouses, with a total capacity of approximately 15,000,000 bushels, had been licensed; 19 wool warehouses, which handled better than one-sixth of the entire wool clip of the last season, or about 35,000,000 pounds of wool; and 12 tobacco warehouses with a total capacity of about 68,000,000 pounds.

It will be noted, the department points out, that the total number of licensed warehouses on April 1, 1922, is not very much greater than the number on April 1, 1921, but the capacity is materially different. On April 1, 1921, the capacity was 429,975 bales of cotton, but one year later the capacity increased to 1,250,000 bales. The reason given is that a few large warehouses have seen the benefits of the warehouse act.

Mr. President, the department informed me that they could not interest any cotton warehousemen in the milling sections of New England until the close of 1921. There is now one large warehouse with a 30,000-bale compartment licensed in Massachusetts. The whole plant of that warehouseman will accommodate in the neighborhood of 150,000 bales, and he will increase his licensed space as the demand grows. Many large compress and warehouse companies in the South, operating on a large scale in the cotton-producing area, have become licensed within the past year.

The department informs me that the cooperative cotton growers' associations which were formed in different States during the past year have all manifested a great interest in the Federal warehouse act, and all of the associations have found the Federal warehouse receipt of immense value in arranging for finances.

The department has been informally advised that the associations which are now in process of organization in North Carolina, Georgia, Alabama, and Arkansas intend to avail themselves of the act.

At this time, when the Senate has just passed a bill extending the activities of the War Finance Corporation for one year from June 30, 1922, it is important to note that the corporation, in making its loans covering various products, informs me that in not a single instance has it refused to accept Federal warehouse receipts as security for loans which it has made to producers' associations.

The department says there has been an awakening on the part of grain warehousemen to the advantage of the warehouse act. During the months of August, September, and October of last year over 225 grain warehouses were licensed in Oregon, Idaho, and Washington. One grain grower in the Northwest section wrote the department that the licensing of these warehouses at once placed at the growers' disposal a warehouse receipt on which they were able to borrow, and despite the fact that before they had this receipt they experienced the greatest difficulty in making loans.

While the number of wool warehouses which are licensed appears small, according to the department, it will be recalled that those warehouses have handled more than one-sixth of last year's clip, which is operating on a large scale. It appears that practically all of the wool of Missouri will be handled this year through licensed warehouses.

Until November 20, 1921, only one small tobacco warehouse was operating under this act. There are now 14, with a total capacity of close to 70,000,000 pounds. Seven of these warehouses are in Wisconsin, 3 in Pennsylvania, and 4 in Kentucky. Those in Kentucky are very large and have an aggregate capacity of approximately 60,000,000 pounds. The department is expecting several more large warehouses in Kentucky to apply for licenses, as well as several in southern Ohio and Indiana.

The framers of the original warehouse act had in mind the developing of a form of warehouse receipt, according to my understanding, which would possess the greatest credit advantages. One illustration given me by Mr. Yohe, of the bureau who administers the act, was the recognition on the part of bankers of the value of the receipt when a large cotton plantation operator in the Delta section approached a New Orleans banker for a loan, offering as security some 300 cotton-warehouse receipts. The receipts were left with the banker so they might be examined, and later in the day the holder of the receipts returned to learn what amount the banker might loan on them. To his surprise the banker handed him about 10 or 12 receipts on which he told him he could not make a loan, but that he would loan on all of the others. The holder of the receipts asked no questions but glanced at the receipts which were returned and immediately noted that these receipts had been issued by the warehouse prior to its becoming licensed under the act. All of the other receipts were licensed receipts and were acceptable to the banker as collateral.

Mr. President, Governor Harding, of the Federal Reserve Board, in a letter to the warehousing official of the bureau last September, said:

Generally speaking there can be no doubt, I think, that warehouse receipts issued by warehousemen licensed and bonded under the United States warehouse act will be considered by bankers as more desirable collateral security than those issued by warehousemen who are not licensed or bonded under any State or Federal law.

Continuing, Governor Harding wrote:

The United States warehouse act specifies in detail what shall be stated on each receipt issued under that act, and these statements give very full information regarding the commodity which the receipt represents. The act also requires the warehousemen to keep records of all commodities stored or withdrawn and of all receipts issued and returned, and to make such reports to the Secretary of Agriculture as the Secretary shall require.

In discussing the relative desirability of the warehouse receipts issued by warehousemen licensed under the Federal act and those licensed under acts of the various States, Governor Harding wrote:

It is my opinion, however, that there are certain advantages in being licensed under the Federal law and in being subject to the supervision of the Federal authorities, which advantages would be most apparent in cases where the holders of warehouse receipts desire to use them as collateral for loans from banks located in States other than those in which the warehouse happens to be located.

THE RUSSIAN SITUATION.

Mr. EDGE. Mr. President, on general principles I am opposed to the discussion on the floor of the Senate of subjects not regularly before this body. I am convinced that our very liberal rules, permitting discussion of any subject, any time, at any length, have much to do with the present admitted unsatisfactory progress of the tariff bill. However, the Senator from Idaho [Mr. BORAH] has introduced a resolution, upon which he has spoken, and the principle involved is of such unusual and far-reaching importance, that I believe the other side of the picture should at least be briefly stated.

On May 15 the Senator from Idaho [Mr. BORAH] presented the following resolution:

Resolved, That the Senate of the United States favors the recognition of the present soviet government of Russia.

I have a very high regard for the splendid intellect of the Senator and his magnificent service to his country, and it has been with great pleasure that I have on many occasions subscribed to his viewpoint on public matters; but it is absolutely impossible for me to follow the reasoning that would convince him of the wisdom of the recognition of the soviet government of Russia, especially when I recall his eloquence on many an occasion in upholding and protecting the constitutional principles of America.

The Constitution of the United States, as I interpret it, is built upon the principles of liberty and protection of property rights; and, while I recognize the right of any nation to establish its own government, I differentiate very decidedly on the question of America's recognition of that government if it destroys the fundamental and bedrock principle upon which our own Government is founded.

I would divide a brief discussion of this question into two parts:

First. That it is, anyhow, no business of the Senate to initiate such a program. Every Senator certainly appreciates that the recognition of new governments is, first of all, an Executive function. Frankly, in this connection, and so far as it can be ascertained or analyzed, the policy of the Secretary of State as to Russia's recognition has met the widespread approval of all America. He has clearly stated on different occasions, in effect, that our Government can have nothing to do with another government that denies the right of the protection of private property or the sacredness of contracts. The conference at Genoa has only served to accentuate the determination of the soviet government to adhere to these false policies.

Second. From an economic standpoint, how is it possible for our Government to recognize another government which, as stated, denies the right of private ownership, and through such recognition to encourage our merchants and business men to engage in trade with the Bolsheviks?

The fundamental principle of American Government has been the protection of American interests under any flag in the world; and how are we to protect American interests in a country whose government first refuse to recognize an American loan made to the Government the present soviet régime succeeded, and then positively asserts that property rights and protection form no part of their ritual? Are we not holding out to our business men a false security?

It appeals to me, Mr. President, that through such recognition we would be deceiving our own business men. It appeals to me that recognition would result in a confused situation somewhat like this: First, an approval of that government's direct statement that they propose to repudiate all their obligations and the war debt of the late World War that was conducted in the interest of civilization; second, if any American citizen owns property in Russia they refuse to restore that property to the American owner, because it is the policy of their government to confiscate private property. Therefore, to restore to the American citizen his property which he rightfully owned in Russia would be contrary to their governmental policy. But if a Russian national—and many of them do—owns private property in the United States the soviet government demands that he be placed in full possession of that property, because he appreciates that it is not the policy of the American Government to steal or confiscate private property.

It appeals to me, Mr. President, that to recognize the soviet government under such conditions is not only infamous but is destructive to all that Christianity has accomplished in the last 2,000 years.

During the war many American citizens bought Russian external bonds. That was to help the Allies win the war. At the time it was just as much a patriotic act as it was later to buy American Liberty bonds. They were bought, as I recall it, practically at par, and not at an unusual rate of interest for

such securities. As stated, the present Russian government has repudiated this debt in its entirety.

How can we give aid to Russia in addition to making every effort, as we continually are, to feed the starving men, women, and children, partially the result of this impractical and inconsistent form of government? Certainly not by recognizing it and thus encouraging its continuation. We can never give aid to Russia under present conditions by the recognition of the political situation there. It seems impossible in European conferences to separate European politics from Old World economics. If it can not be done, then I see no immediate help beyond what we are now doing. If they insist on a continuation of the policy of repudiation, certainly our Government is more than justified in continuing, and the American people in my judgment demand that it continue, the policy of nonrecognition.

In other words, Mr. President, until the soviet government, or whatever it may be called, realizes the necessity for the recognition and guaranties of the rights of private property and contracts, then in justice to our own country and the policy and principles we have proclaimed for centuries recognition should and must be withheld. We owe it to our own people; we owe it to our present position of world leadership.

Personally, I should like to see America sitting around the table with the representatives of other recognized nations considering an adjustment of world economic problems. We are certainly not hostile to efforts to help balance the budgets; we are not deaf to suggestions providing for the proper deflation of bloated currencies; we are not averse to lending assistance in bringing about reduced expenditures rather than more taxation; we are not opposed to armament reduction and matters of that kind; but if participation in such conferences involves the recognition and thus the semi-indorsement of a false theory of government, then America had better by far continue its policy of isolation and national independence and national aloofness in its protection of American rights through the world.

Only a day or two ago, demonstrating, if the news reports are to be given credit—and I believe they are—that the representatives of the soviet government who have been at Genoa are unable really to represent the viewpoint of the leaders in authority in Russia, the report came to us that while Tchitcherin was giving assurances to the representatives of other nations at Genoa of Russia's cooperation in economic problems and Russia's nonaggression compact Trotsky was making war speeches to Russian cadets, and is reported to have said:

Don't believe in the Genoa speeches; trust only in your bayonets and your batteries. Conferences will not give us what we need. This can only be obtained by having the red army cross the frontier of capitalistic States and the red flag wave over the whole of Europe. Perhaps during the summer the red army will be called upon to give proof of its fighting force.

And in the same news report word was received from the Black Sea to the effect that the Russian batteries fired on the Italian steamer *Marte*, sinking the steamer and killing half of her crew.

The Italian Red Cross have just reported that southern Russia has been transformed into a "great cemetery of starving people. Men, women, and children are dying of starvation, not by the thousands but by the millions." In the meantime representatives of the Russian Government, of the Russian Soviet, deliver ultimatums to representatives of the civilized nations of the world that they must be permitted to continue with their policy of confiscation, and in the meantime that the nations of the world must loan them untold millions in order that their government may continue to survive.

No, Mr. President, the United States or its citizens will never hesitate in responding to calls of humanity, no matter how much a subject of justifiable criticism is the policy of the Government where such conditions exist; but America never should and never can, in justice to its own splendid convictions, subscribe to a recognition which at its best could only be looked upon as a possibility of securing commercial advantages at the cost of national dishonor.

Mr. BORAH. Mr. President, I have no intention at this time of undertaking to reply to the able Senator's argument against the recognition of Russia. I see, however, that the Senator, like most people who oppose Russia, accepts almost everything that is published with reference to Soviet Russia. There is such constant, persistent propaganda in the country in the misrepresentation of Russia that it is no surprise that anyone should be at times misled with reference to the true facts.

I say to the Senator that at the present time there are 14 nations that are doing business with Russia, have their diplomatic missions in Russia, are trading and carrying on business with Russia, and they are not losing any money in Russia. Furthermore, we ourselves are carrying on business with Russia

through another nation. Within the last 10 days I had the pleasure of hearing from a gentleman in New York who sold a very large amount of goods to Russia. He got his money; but, for some reason which is a little difficult for an American to understand, he had to do the business through an English merchant, and pay a commission to the Englishman for doing it.

My idea of the American business man is that if you give him an equal chance he will take care of himself anywhere that anybody else will, and in view of the fact that the English merchant is in a position to do business, do it successfully, and so successfully that he can also carry on the business of the American merchant and charge him a commission, I do not think we need to fear what may happen in case the American merchant undertakes to go in.

Another thing, Mr. President, it is constantly stated that Russia at Genoa was unwilling to restore the property of the nationals of other governments. Russia specifically stated that she would either restore the property or compensate for it. If the press dispatches are correct and Mr. Vanderlip is correct, that is the position which Russia took at the Genoa conference, and it is a position in no wise different from that of other governments which passed through the war. Property could not be restored in all instances, but she stood ready to compensate for the property, which, in my opinion, was the most manifest evidence of good faith.

Mr. Vanderlip says:

The logic of this attitude was waved aside by the powers.

That is, the logic of the attitude of the Russian Government.

The Russian's financial necessities were so extreme and pressing that Russia's representatives were prepared to forego their logic, acknowledge the old debts, and compensate for, if not restore, property to foreign nationals.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. BORAH. Yes.

Mr. EDGE. Do I understand that Mr. Vanderlip also stated that the present government would acknowledge the old debt, meaning the loan granted by the United States to the former government?

Mr. BORAH. Yes; the Russian Government were willing to do that, providing the Allies would assist them in getting certain credits to continue business, and, as Mr. Vanderlip says, for the Russian Government to acknowledge the old debt and to have undertaken to restore the property and to have gone home without any assistance would have been to overthrow the Russian Government. The President of the United States would not assume the responsibility of disposing of or even adjusting the international debt in which the United States was interested. Poincaré would not assume that responsibility upon the part of his Government. If he did assume it upon any such principle as was submitted to Russia, he undoubtedly would be retired to private life. Lloyd-George could not assume the responsibility which the Allies asked Russia to assume at the Genoa conference; but Russia said, If you, as the allied powers, will promise Russia a standing with reference to credits, and aid her in that respect, she will acknowledge the debt, and compensate for property where she can not restore it.

At the present time the communistic principle in Russia is a very limited proposition, comparatively speaking. It is by no means what it was three years ago or four years ago. At the present time the Government of Russia nationalizes the land and transportation, and to some extent some of the large industries, and that is all. Even as to the land, the farmer or the peasant is permitted to trade upon his own initiative and upon his own responsibility. The products which he raises are not taken charge of by the Government and disposed of. Those things have been modified, and my contention is that a recognition of the Government, and bringing it back into the family of nations, would inevitably result in Russia conforming herself to the business principles of the other nations of the world.

Mr. EDGE. Does Mr. Vanderlip state at all what security, if any, the Russian Government proposes to give for the loan of millions or billions?

Mr. BORAH. No; Mr. Vanderlip says in effect they never got that far; that the Allies rejected the proposition because the Allies were not in a position to furnish anything to Russia in return for what they were asking of Russia.

Let us understand the situation precisely. The proposition submitted to Russia at Genoa meant the dismemberment of Russia. The real moving, driving power in Genoa was oil, not political recognition, not restoration of Russia, but the question which concerned them was what amount of natural resources and raw material of Russia each one of the allied powers could get hold of.

Mr. Vanderlip is not known as a radical, yet it is very clear from his article that he regarded the entire movement upon the part of the Allies as an impossible one. Let me read what he said:

The London experts' report laid down a fantastically impossible program of demands on Russia.

What did they ask?

Those demands included liquidation of the past Russian obligations and recognition of all financial engagements heretofore entered into by all the authorities of Russia—local, provincial, or on account of public-utility undertakings.

It proposed to impose on Russia the liability of all actual direct losses arising from breach of contract or otherwise suffered by nationals of other powers due to negligence of the soviet government or its predecessors.

It proposed to set up a mixed arbitral tribunal to determine questions relating to debts, contracts, and losses. It proposed to establish a Russian debt commission, nominated by the powers, which would have authority to issue new Russian bonds to holders of the existing State and other bonds and allocate to the service of this commission new specific taxes and royalties.

It proposed to control collection of such revenue, deal with the proceeds, and arrange the return of property formerly owned by nationals of the powers.

The London experts further proposed to reorganize the Russian judicial system on a system of judicial protection for foreigners as complete as that established in China.

That was the proposition which was submitted to Russia, and the surprising thing is, of course, that Russia did not accept it. Some people seem at a loss to understand why Russia did not rush into this scheme, a scheme which would have made her a subject people, forfeited her nationality, and turned her vast wealth to her despoilers.

Mr. EDGE. Speaking of the author of that article, Mr. Vanderlip, was he not one of that group of so-called international bankers who are so frequently the subject of more or less comment on the floor of the Senate?

Mr. BORAH. I suppose so; I hope so. He is adding respectability to the group; I should say, greater respectability.

By the decree of November 23, 1920—Laws of 1920, article 421—Russia has "guaranteed the property of those holding concessions in Russia against any sort of nationalization, requisition, or confiscation, and has given them various privileges which will allow them to carry on their business without interference." That is a part of the present law of Russia.

A special decree of the central executive committee—Laws of 1921, article 313—"guarantees the fulfillment of lease contracts and prescribes that they can only be set aside by the courts," as in this or any other country.

From article 188 of the Laws of 1921, which frees labor from the requirement to work for the State, to article 323 of the laws of the same year, they proclaim the freedom of all workers to choose their own employment without special authorization.

I quote again from the laws of Russia:

In general, all contracts, including those to which the State is a party, are binding and enforceable by law, and any provision included in the contract excluding the parties from resorting to the courts renders it invalid.

Mr. President, as I said, I do not propose to discuss this matter to-day. I shall, however, discuss it more at length within a very short time.

Mr. FLETCHER subsequently said: Will the Senator from California allow me to interrupt him?

Mr. JOHNSON. I yield.

Mr. FLETCHER. In connection with the discussion regarding Russia this morning, I should like to have inserted in the Record an editorial from the Washington Post of Monday, May 22, entitled "The Crisis of May 31."

Mr. JOHNSON. The Senator asks that it be inserted in the Record, not read?

Mr. FLETCHER. Yes; in connection with that discussion, and before taking up the tariff bill.

Mr. JOHNSON. Very well; and upon that subject I hope to say something myself hereafter. The exigencies of the tariff bill have precluded investigations, studies, and the like, in other directions which might be more interesting, though perhaps not more profitable.

Mr. FLETCHER. I ask that the editorial be printed in 8-point type.

There being no objection, the matter referred to was ordered to be printed in the Record, in 8-point type, as follows:

[From the Washington Post, Monday, May 22, 1922.]
THE CRISIS OF MAY 31.

In his final remarks at Genoa Mr. Lloyd-George gave a pointed warning to the Russian Bolsheviks who wrecked the conference by refusing to conform to the rules of civilization. He urged them not to make the mistake at The Hague which they made at Genoa, of running counter to the prejudices of western Europe. He added:

The first prejudice we have in western Europe is this, that if you sell goods to a man you expect to get paid for them. The second is that if you lend money to a man and he promises to repay you, you expect that he will repay you. The third is this, that if you go to a man who has already lent you money and say, "Will you lend me more?" he will say to you, "Do you propose to repay me what I gave you?" and if you say, "No; it is a matter of principle with me not to repay," there is the most extraordinary prejudice in the western mind against lending any more money to that person.

Mr. Lloyd-George might have observed that the farther west you go the stronger the prejudice. He could not have stated more admirably the attitude of the United States in regard to the war loans. Therefore the news that France is following the suit of Great Britain in providing for the early payment of an installment on the debt to the United States is most gratifying. It will serve as an object lesson to the Russian reds by proving that western nations are as punctilious when borrowers as they are when lenders.

The world will watch with interest the proceedings at The Hague to ascertain whether the Russian communists shall decide to throw over their doctrines for the sake of a loan or throw over a loan for the sake of communism. In the first case they will no longer be communists, and the prospects of European peace will be distinctly brighter. In the latter case, they will remain a menace to Europe. Whether they make one decision or the other, their good faith will still remain in doubt and nothing but events will show their true intent. If they can obtain a loan by promising reforms with such trickery as to enable them to break their promise, they will do so. It is up to the European Governments to prevent such treachery.

In the meantime the relations of Germany and France will press for adjustment. There are indications that an agreement is in the making, which may materialize before May 31, and which will enable France to escape the embarrassing alternative of employing military force. The subcommittee of bankers conferring under the Reparation Commission will strive to find a method of adjusting the situation on May 31 whereby France and Germany may be enabled to agree upon something more practicable than the present arrangement. The solution is in the hands of France, but possibly M. Poincaré may not summon up the moral courage to apply it. In order to readjust the Franco-German relations on a basis that will yield reparation money without military compulsion, M. Poincaré must agree to a reduction of the total sum demanded of Germany, and must further agree to release certain German assets, such as railroads, so that Germany may pledge them as security for a loan. From the loan France may collect an installment of reparation money, and Germany can proceed with the balance to obtain raw materials and improve her exchange.

Can M. Poincaré induce France to relax her grip upon Germany to the extent outlined? He has not been in the position of advocating leniency toward Germany, even for the purpose of collecting reparations. One French premier after another has fallen because he was made to appear weak in dealing with the Germans. M. Poincaré was one of M. Briand's sharpest critics on this point, and now M. Poincaré is prodded by other critics. If M. Poincaré had gone to Genoa he probably would have been condemned by the Chamber of Deputies, and his resignation would have followed. He retained power by reiterating his fixed determination to hold Germany to account on May 31 and by holding Mr. Lloyd-George and the Russian reds at arm's length. He ran the risk of impairing Anglo-French relations rather than yield a jot in dealing with Germany. Consequently he remains premier.

The question now is whether M. Poincaré can persuade French opinion to adopt the plan for an international loan to Germany as a means of collecting reparations in the face of a stubborn belief that any relaxation of the grip upon Germany will be seized by the Germans as an opportunity for war preparations. That Germany will fail to reach the minimum demands due May 31 is a foregone conclusion. The Reparation Commission will so report, and the sanctions will then go into effect automatically unless arrangements are previously made to the contrary. M. Poincaré has again given notice that France will act alone if after consultation with the Allies they decline to cooperate. The Versailles treaty seems to give each allied power the right to compel Germany to meet her obligations.

The making of an international loan to Germany is a task of extreme complexity. It amounts to the revision of the Versailles treaty in one of its most vital parts. It is, indeed, a readjustment of the relations of France and Germany. If the subcommittee of bankers about to engage in this task can accomplish it within the next few weeks, it will put the Paris and Genoa conferences to the blush, to say nothing of the supreme council and the conference of experts at The Hague.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. Mr. President, I ask that the Senate proceed to the consideration of paragraph 383, the item of quicksilver, on page 87. I simply desire to say in relation thereto that the bill, as it passed the House, placed a duty of 35 cents per pound upon quicksilver. The Senate committee reduced it to 25 cents per pound, and as calomel is a product of quicksilver, in order to determine what the rate upon calomel, which is in the chemical schedule, shall be, it is necessary that we shall ascertain whether the reduction which the committee has recommended is to be adopted. As I understand, both California Senators are here this morning and are interested in this subject, and I ask that we may consider that paragraph.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 87, line 1, the committee proposes to strike out "35" and to insert in lieu thereof "25," so as to read:

Quicksilver, 25 cents per pound.

Mr. JONES of New Mexico. We passed over the item of fluorspar, paragraph 207. If it will not inconvenience the California Senators too much, I want to discuss fluorspar in a brief way and get rid of it, because I desire to turn my attention to another subject as soon as we can dispose of this one item. If it will not inconvenience them too much, I will appreciate the privilege of saying what I have to say now on the subject of fluorspar.

Mr. McCUMBER. I will state to the Senator that I notified the California Senators, who are very much interested in this quicksilver item, that I would call up the quicksilver paragraph this morning, and they are prepared to go on. It is entirely agreeable to me, if it is agreeable to them, to have the Senator discuss the other item first.

Mr. JONES of New Mexico. I was prepared to go on with the fluorspar item last night, and I would like to get it off my mind.

Mr. McCUMBER. Whatever is convenient to the Senators will suit me. It is immaterial to me which question is taken up first.

Mr. JOHNSON. Mr. President, we will not delay the Senate long on the matter of the quicksilver item. I want to put the facts before the Senate, and then let it determine what shall be done. I can assure the Senator from New Mexico, and I think I can do this for my colleague, as well as myself, that the discussion will be brief, and the facts practically undisputed.

The item to which the Senator from North Dakota has referred, and which is now the subject of inquiry, is found on page 87, paragraph 383. The rate on quicksilver, 35 cents per pound under the bill as it came from the House, is reduced to 25 cents per pound by the Finance Committee of the Senate.

The item of quicksilver presents a unique case here. It is one, I believe, that is scarcely presented by any other item in the bill. The fact is that either the duty should be accorded which was given us by the House or there will be no quicksilver production in the United States, and the question comes very squarely to the Senate, therefore, Do you wish quicksilver production in the United States? Is that production of sufficient importance to give a tariff of 35 cents per pound, or do you believe the disadvantages which will accrue from a tariff of 35 cents per pound would outweigh the production of that particular and peculiar metal in our land?

When I speak of the facts in the case I speak from three sources of information. The first is that of a gentleman in California, now a State senator, Senator E. S. Rigdon, of Cambria, in the county of San Luis Obispo, a gentleman of the highest repute, whose every word, from my intimate knowledge of him, is entitled to full credence.

Secondly, from the statements which have been made by the State mineralogist of California, Fletcher Hamilton, a gentleman of ability and standing, and whose word concerning the mining industry of the West, I think, is taken as complete authority—quite as authoritative as that of any one individual.

Our friends in the East may not be aware that we have a particular officer in California called the State mineralogist. The office was created because of the importance to our Commonwealth of the mining industry, and since its creation, many years ago, it has been occupied by men familiar with mining and the mining industry, and they have been of inestimable service in conserving that industry for the State. So when I

say that Mr. Hamilton, the State mineralogist, indulges in the statements which I repeat here I say to you that the highest authority there is in California makes those statements.

The third source of my information is the Tariff Commission, which, I presume, presents in disinterested fashion the facts.

Let me read you an excerpt from Tariff Commission Series No. 21, page 245:

Quicksilver is an essential component of all mixtures for detonating high explosives. No satisfactory substitute has been found for military use. It is used in drugs and is the most satisfactory ingredient of antifouling paint for ships' bottoms, in addition to its numerous technical and scientific uses that are less direct, though not unimportant, factors in military operations.

Up to 50 per cent of the normal peace-time consumption of quicksilver is as the essential constituent of blasting caps. By virtue of this use it is a factor in the production of all metals and minerals and in most excavation and general construction work. In no single application is the amount required very great, but many industries would be crippled were they unable to secure the small but vitally necessary amount required.

Quicksilver production was at low ebb in the United States at the beginning of the war and increasing amounts of the metal were being imported to supplement the dwindling unprofitable output of the domestic mines. Relieved from foreign competition and stimulated by high prices, the domestic output increased to large proportions. The output in 1918 was 32,883 flasks (of 75 pounds), at least 50 per cent more than the normal peace-time consumption of the metal in the United States; in 1919, 21,348 flasks.

With the return of normal conditions it is believed that Spanish metal, which is controlled by British interests, will be imported and will depress the price in the American market, which during 1918 was two and one-half times the average price before the war, to below the present cost of production of most of the domestic producers.

The fact of the matter is, in relation to the production of quicksilver, that it dwindled up to the time of the war. Its necessary use for military purposes during the war stimulated, of course, that production; and the price, which had been prohibitive so far as production was concerned in the States of the West prior to the war, suddenly rose and enabled production to be had at a profit. Since the war the old conditions have obtained, until to-day I think I am safe in saying there is again practically no production of quicksilver in this country.

First, quicksilver is absolutely essential in case of war, and it is quite an essential domestic product in time of peace. If there be occasion for its use in time of war—and this has been so recently demonstrated that it is unnecessary, I take it, to go into detail concerning that matter—then, of course, we should in some fashion provide so that its production may be continuous and the art, as Mr. Hamilton, our State mineralogist, says, may not be entirely lost.

During three different wars the mines of this country have supplied the emergency—during the Civil War, the Spanish-American War, and the World War. To let the industry lapse now—and it is in grave danger and will lapse without an appropriate and a just duty—would leave us, if stress comes again, dependent entirely upon foreign nations, and I assume that is something none of us would wish to occur.

The London Morning Journal of February 11, 1922, reports a proposed European combination or trust to control the world's market through the House of Rothschild. The fact is at present the quicksilver output of Spain, where the greatest amount of quicksilver is produced, is in the hands of the House of Rothschild and is controlled essentially by their interests. It is true that that contract, as I recall its date, will expire in 1922; but nevertheless there have been statements of its renewal, and the industry has been practically in the hands of the Rothschilds by virtue of their control of the great Almaden mines of Spain.

Now, I desire to anticipate the argument which I have heard upon the floor, and which possibly will be again made, that the use of quicksilver in drugs will require every man, woman, and child in the United States to pay more for his medicine; and that we ought not, no matter what may be the languishing condition of industry, and no matter what may be the national needs in peace times or the national necessities in war, to put a tariff upon anything which would require an additional price to be paid for the compounds into which this particular item may enter. It is a fact which defies contradiction that in the preparations into which quicksilver enters and which are sold as drugs or compounds the additional cost because of the 35-cent tariff will be practically negligible. A couple of instances have been furnished by the Bureau of Standards, and I want to cite those so that Senators may have them in mind.

The Bureau of Standards estimates that 1 pound of quicksilver will make from 300 to 1,000 clinical thermometers, the latter being the usual size. With quicksilver at \$1 per pound—and quicksilver would not be at \$1 per pound even with a duty of 35 cents per pound—this would mean a cost, in addition, in these clinical thermometers of one-tenth of 1 cent. The thermometers are retailed often, as the Bureau of Standards relates, for \$2 apiece.

Bichloride of mercury retails at 35 cents per bottle containing 25 tablets. Into bichloride of mercury, of course, this item goes. The calculation shows that the cost of quicksilver used in bichloride of mercury, which retails at 35 cents a bottle, would be a very small fraction of 1 cent per bottle.

I state these things in anticipation of the possible argument that may be made concerning the duty asked upon this article.

When this matter was before the House it was deemed of sufficient importance to the War Department to have the Secretary of War write a letter to the Hon. JOHN Q. TILSON, of the Ways and Means Committee, asking an appropriate duty. That letter I wish to read. It is dated July 15, 1921, and reads:

WAR DEPARTMENT,
Washington, July 15, 1921.

HON. JOHN Q. TILSON,
Ways and Means Committee,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Quicksilver (mercury) is an essential component in the manufacture of munitions, being used, as far as the military service is concerned, in the manufacture of mercury fulminate for use as a detonator of high explosives, in the manufacture of certain drugs and chemicals, and in certain electrical equipment.

A study of the past record of the industry indicates that it is capable of meeting the normal demands of the country in peace, and in a war involving the maximum effort; however, the steady reduction in the number of producing mines indicates that it will be but a short time before the normal peace demands of the country will have to be met from outside sources of supply. The normal peace demand is approximately 24,000 flasks, and the production in 1920 shows but 13,070 flasks. This decreasing production is due to a decline in prices consequent upon a decreasing demand for the home product due to the prevailing high cost of labor and supplies, the present demand being now met from surplus stocks accumulated during the war and from imports.

The number of producing mines has steadily decreased from 51 in 1917 to 14 in 1920—

I may say, from information I have, that they have now decreased to three, and without this duty those three will be eliminated—

This decline in productivity has been due to the conditions indicated above, and also to the importations from Europe, particularly Spain and Italy, where, due to cheaper and cruder refining methods, the cost per flask is below the cost of production in the United States.

The result of the above is that while there are sufficient mines and refineries in the United States capable of producing sufficient quicksilver to meet our needs in peace and war, the inability to work them, due to lack of profit in production, actually results, as a matter of fact, in a reduction in the resources of the Nation in this commodity for war purposes, in that this shutting down of the mines results in a corresponding deterioration of plant equipment and mine installation, and the longer such unproductiveness continues the greater does the menace to our war production increase, due to the increased time necessary to bring the mines back to a condition of productivity.

The War Department is of the opinion that in order that the needs of the country in war may be met from the resources available in the United States governmental protection of the quicksilver industry in time of peace is essential, and it is, therefore, recommended that such a tariff be placed upon imports as may be considered necessary by the Congress to enable this industry to be operated on a profitable basis in time of peace in order that it may be maintained in a condition to meet the needs of the country in time of war.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

It was after that letter was received and read in the House that the duty of 35 cents was put upon the item.

Mr. Hamilton, to whom I have referred, in California Mineral Production in 1920, refers to the industry in this fashion:

Quicksilver, though not used in such quantities as is copper or some of the other metals, is not less vital in peace than in war. No completely successful substitute has yet been found for quicksilver in some of its uses. Except during the stimulated production resulting from the high prices of the war period our domestic output of quicksilver for a number of years has not kept pace with domestic consumption. This is not due to a lack of local sources, but mainly to the competition of low-cost foreign metal dumped onto our market through an almost negligible import duty. Other financial and economic conditions obtaining during the past year have also had their effect on the situation, but they could have been weathered had it not been that the lack of tariff protection permitted the too free entry of foreign metal. There is plenty of ground, even in California, in addition to what may be in Nevada and Texas, that will warrant development if only a fair price can be assured that will justify exploitation. Our domestic quicksilver industry is in danger of complete extinction if not soon given adequate protection against foreign importation. Manufactured mercurials should also be included in the dutiable tariff list as a protection to our detonator and drug manufacturers, which would in turn further assist the domestic mines. The manufacturers of mercurial products in the United States should join with the miners in the demand for an adequate protective tariff. We should not shortsightedly "conserve" our domestic quicksilver resources by forcing them to remain in the ground on account of foreign competition, only to wake up some day when faced with an emergency to find that quicksilver mining and metallurgy is a "lost art" in the United States and can not be revived at a moment's notice. Several months' time is required to properly equip and put in operation a reduction plant, and the knowledge of the art is even at present confined to a limited few.

The collapse of the industry is due entirely to cheaper production costs abroad. The present American price is about \$55 per flask in the New York market. I never did quite understand why quicksilver should be measured by the flask, but the

fact remains that ever since we found it in this country we have measured it by the flask. A flask contains about 75 pounds. We have the peculiar nomenclature of this industry presented by the use of flask and its measurements in quite different fashion from that of any other.

Quicksilver from Spain can be sold in New York at \$40 per flask with the present duty paid. The cost of production in California amounts to more than that price. The cost of production in Spain and Italy is from \$8 to \$15 per flask. It is quite a fact which may be descanted upon that ore in Spain is of a different character and of higher grade than the ore that has been found in California, Texas, Nevada, and the like.

The difference is very material. Nevertheless the ore can be produced in the Western States profitably with an adequate duty or the duty that was given by the House, and the industry can thus be saved.

I therefore present the bald question to the Senate: Here is an industry, different in character from most of the industries with which we deal in this bill, quite important in peace times and absolutely essential in war times—

Mr. SIMMONS. May I ask the Senator from California a question?

Mr. JOHNSON. Yes.

Mr. SIMMONS. I do not know that I understood the Senator from California a little while ago when he was comparing the domestic price to the consumer in New York and the Spanish price. I will ask the Senator to restate those figures.

Mr. JOHNSON. I was not comparing the prices. What I was saying was that quicksilver from Spain may be sold in New York with the duty paid at \$40 per flask. Then I said—and this is where probably the Senator from North Carolina misapprehended—that the cost of production in Spain and Italy is from \$8 to \$15 a flask.

Mr. SIMMONS. The \$15 was the cost as against \$40 the selling price?

Mr. JOHNSON. Yes, sir.

Mr. SIMMONS. Now, what did I understand the Senator to say was the cost and the selling price of the domestic product?

Mr. JOHNSON. I said the market price at present is about \$55 per flask, I am informed, in New York. It costs substantially that amount to produce quicksilver in the western mines.

Mr. SIMMONS. But it costs only \$15 to produce it in Spain?

Mr. JOHNSON. Yes, sir.

Mr. SIMMONS. Then it costs to produce in this country a flask of quicksilver about \$55, while it costs to produce it in Spain but \$15?

Mr. JOHNSON. Those are the figures that are given me, and I believe them to be accurate.

Mr. SIMMONS. Does the Senator think, in view of that difference in the cost of production here and in Spain, that we ought to pay the higher price to protect the domestic industry rather than to purchase from Spain?

Mr. JOHNSON. Yes. We pay the higher price now in the New York market. The price of the foreign product in the New York market is maintained at a point where it can just undersell the domestic product. We do not get the benefit of a decreased price.

Mr. SIMMONS. I understood the Senator to say that the selling price of the Spanish product in the New York market was \$40?

Mr. JOHNSON. I said the product could be sold in New York for \$40, but that, in reality, we did not get the benefit of the cheap labor cost abroad. We get the benefit only of that price which enables the foreign product merely to undersell the domestic product. That is all the benefit that we get; and in that fashion the domestic industry is destroyed and the foreign product is given a practical monopoly.

As I stated in the beginning, I simply put to the Senate the question, Shall this industry be entirely eliminated from the United States? Is it of sufficient importance to this country in time of peace and of sufficient necessity in time of war so that we may have a tariff upon it which will enable it to continue in existence to answer the emergency when the emergency arises and to do that which it was found necessary it should do in our recent time of stress?

Mr. UNDERWOOD. Mr. President, I wish to say just a few words in reference to this item. I assume from the argument of the Senator from California that he favors the House rate of 35 cents a pound on quicksilver, and he contends that unless that rate be adopted the quicksilver industry in the United States will be destroyed. He then points out that there has been a falling off of production in the United States.

Mr. President, under the existing rate there may be large importations of quicksilver in competition with the domestic

product. I am not sure that there are excessive importations; but, taking the Senator's own argument, I think he himself has demonstrated, and if Senators will look at the figures and compare the facts they will find, that there is no warrant for a tax of 35 cents a pound on this article, even if there is some justification for raising the present rate. The theory of those who wrote this bill is that there should be a protective tariff. Of course, so far as my theory of tariff legislation is concerned, it is entirely different from that of the committee; but, assuming that this tariff bill is going to be written from the standpoint of the principles of the Republican Party that a protective duty is required, I do not think the Senator from California can justify the proposal to increase this duty to 35 cents per pound.

Now, let us consider for a moment the history of this industry. In the years preceding the war, I think back to 1910, we were exporting some quicksilver. There was also a very modest amount of importations. I think after 1910 the exports ceased, but the imports were few; and we were producing 17 per cent of all the world's production of quicksilver, which was more than our proportion of the consumption of the commodity.

Now, let us look at the condition which then existed. At that time there was no fear as to the possibility of this industry living and existing in the United States when it was operating under the comparatively low duty of the then existing tariff law. We find that under the law of 1909, the so-called Payne-Aldrich law, the tax on quicksilver at the customhouse was 7 cents a pound; and at that time the unit value was about 43 cents a pound. When that law was superseded and the present law was written quicksilver was not placed on the free list, but an ad valorem duty of 10 cents a pound was placed on it. At 43 cents a pound, the unit value in 1914, a tax of 10 per cent ad valorem was equivalent to a tax of 4.3 cents at the customhouse, making a reduction of about 2.7 cents under the duty which existed prior to that time, when there was no question that the industry prospered in the country.

Under existing law the import unit value of this commodity as shown by the statistics for the two years 1919 and 1920 was ninety-nine and a fraction cents, or nearly a dollar a pound. Ten per cent of that would make a tax on this article of 9.9 cents, or practically 10 cents a pound under existing law, which is 3 cents more than the duty under the Payne-Aldrich law at the time when this industry was exporting the product abroad. Of course, if it was able to export abroad in reasonable quantities there was no danger to the industry at home.

I realize that world conditions have changed, but the Senator says—and I assume that he is right in giving his figures—that a flask of quicksilver containing 75 pounds imported from abroad is now selling in the New York market at \$40. I do not know whether that is the importer's price or whether it is the import price with the profit of the importer added, but, assuming that to be the market value in New York, it indicates a unit value of this article to-day under the Senator's own figures of 53 cents a pound.

Mr. McCUMBER. Mr. President—

Mr. UNDERWOOD. I yield.

Mr. McCUMBER. If the Senator will allow me, I think that he is mistaken about quicksilver being sold in New York at \$40 a flask. I can find no such record, although there may be some testimony to that effect. All of the reports place the quotation very much higher than that.

Mr. UNDERWOOD. I myself think it is higher. I did not make the assertion; the Senator from California made that statement, and I was arguing from his statement.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. JOHNSON. I think, perhaps, I stated my position in a fashion that might have confused the Senator from Alabama. What I said was that the market price in New York was \$55 a flask.

Mr. UNDERWOOD. I understood the Senator to say it was \$40 a flask.

Mr. JOHNSON. No. What I said was that the Spanish output could be laid down in New York and sold there for \$40 a flask, but I said further—

Mr. UNDERWOOD. That is what I understood the Senator to say, and if it could be laid down there and sold for \$40 that would be the price.

Mr. JOHNSON. No. As I was advised by information conveyed to me three days ago, the present market price of quicksilver in New York is \$55 a flask. I will ask the Senator from Utah if that is his information?

Mr. SMOOT. It is.

Mr. McCUMBER. I have the quotation here from the publication known as "Chemical and Metallurgical Engineering," which

gives the quotation as exactly \$55 a flask on May 17. At that rate the price per pound would be 73 cents.

Mr. UNDERWOOD. It would be 73 cents a pound. I misunderstood the Senator from California. I thought he was quoting a lower rate. At \$40 a flask the price per pound would be 53 cents, but at \$55 a flask the price per pound would be about 73 cents. At 73 cents a pound under the present law a tax of 10 per cent ad valorem would be a somewhat higher tax than that imposed under the Payne-Aldrich law, which, as I have said, was 7 cents a pound.

I have only this to say: I think this is an article on which we can raise revenue. I thought so when the present law was written, and I believe that there is no reason why a reasonable tax should not be placed on it; but at the present price in New York of the imported article, 73 cents a pound, the existing law levies a tax of 7.3 cents a pound, and under the Payne-Aldrich law, when it was admitted that the industry was so flourishing that it could export its products, it had a duty of only 7 cents a pound, and now the Senator is asking that the Congress increase the rate to 35 cents a pound. Thirty-five cents a pound on an article which is selling in New York for 73 cents is an enormous tax; and it seems to me that it is clear that the result of this increase, if you went to that extent, would be to exclude foreign importation entirely.

I really think the rate of the committee itself in fixing the tax at 25 cents a pound is entirely too high. I should not object, under the present condition of the industry, to a reasonable increase over what it was before. I think it would produce more revenue and I think it might be justified; but I think a tax of 25 cents a pound is entirely too much on a raw material that does not involve very much labor, and I think the principal difficulty that the industry has in shipping its product from Texas and from California, where almost the entire output of the American industry comes from, is a question of freight rates. That is now subject to water transportation, so that I do not see any reason in the world why this enormous increase of either the committee or the proposal of the House making it 35 cents a pound in one instance and 25 cents in the other, should be agreed to, and especially I can see no reason why it should go higher than the House rate.

I understand, as the Senator from Utah suggests, that it is not the shipment of ore that we are talking about, because we all know that not only in this country but in Europe the reduction of the quicksilver ore into quicksilver itself is always done at the mine, so there is no question of transportation of ore. It is the finished product that is shipped, and a commodity that sells for as much as 73 cents a pound, when the pounds are small in bulk, because it is a very heavy substance, can stand a considerable freight rate. So I can see no justification in the world for the House rate of 35 cents a pound, and I really believe that when the proper time comes the Senate rate should be reduced lower than 25 cents, because I think that in itself is excessive.

Mr. SHORTRIDGE. Mr. President, perhaps it will serve no good purpose to detain the Senate upon this item, nor will it serve any useful purpose to repeat or restate the facts which the records abundantly demonstrate.

My colleague [Mr. JOHNSON] has stated clearly the facts as they relate to this particular industry—an industry which is important not only in the State whence we come but to other States of the Pacific coast—Nevada, Oregon, and Idaho—and also to a Gulf State—Texas.

Here is an opportunity to put to the acid test the principles of protection. Some gentlemen seem to be afraid of those principles when we seek to apply them. Personally, I believe in the doctrine which I think is very aptly called the American protective tariff system. There are other gentlemen, learned and who have had large experience, who hold to other doctrines, to other principles. I say this out of great respect for the committee. Perhaps it will not be regarded as offensive, however, for me to observe that none of us is infallible.

The great importance of this industry has been called to your attention. Its commercial importance in time of peace is manifest. Its national importance in time of war no one can for a moment question. There are certain outstanding facts which ought to be borne in mind—the cost of production in America and the cost of production abroad. We all have in mind America and Spain, Italy, and Austria. There are some things which are axiomatic. Where there is a material, substantial difference in the cost of production one of two things must happen: Either there must be a reduction and an equalization of the cost of production, or the higher-cost-of-production industry must perish, for there can be no successful survival of the one where the cost of production is far greater than that of the other.

The House bill provided a duty of 35 cents a pound on this metal. The Senate committee, in its wisdom—which I with deference question—has fixed it at 25 cents. A very great Democrat, abused by friend and slandered, it may be, by foe in his lifetime, but who now stands high among the statesmen of this Republic, once said that "it is a condition, not a theory, that confronts us." I use that phrase, and I suggest to my party associates and I appeal to my friends upon the other side of the political fence, and I remind them all that it is a condition, not a theory, which confronts us this day.

The miners of California, of Nevada, of Oregon, of Idaho, of Texas, and of other of the Western States that have large cinnabar deposits without a dissenting voice tell us that they can not compete with the foreign mine producer. They are men of character; they are men of intelligence; and they come here to us and say: "Under present conditions we can not open our closed mines. We can not pay the wages or all the incidental, itemized costs of producing this essential metal and compete even in the American market with the foreigner." That is the evidence. Does anybody seriously question it? That is the fact. Does anyone doubt it?

I submit to you that that is the situation, the condition, that confronts us. The mines are closed. Shall they remain closed? Is it desirable that they should remain closed? Is it wise that we should so legislate as to keep them closed? Or, to put the same thought differently, is it wise that we should refuse so to legislate as will open these mines?

No Senator who hears me can question the wisdom of carrying on this industry. Its importance in the industries of the country I need not dwell upon, nor will anyone question the prudence and the wisdom of continuing these mines in the eventuality of trouble with other nations. No thoughtful man can question the prudence and the wisdom of maintaining this industry in peace and in war times. My colleague [Mr. JOHNSON] has taken the liberty of reading to the Senate to-day the letter from the Secretary of War which was used when this bill was before the House. No one can question the correctness of the statements therein set out, nor can anyone question the wisdom of the course suggested by the Secretary of War.

These mines are closed. We know why they are closed. The question is, Shall they be opened? How can the Government help? So far as I know, unless we resort to a direct appropriation in aid of that industry—which I do not favor—unless we resort to that method, we can, and to open these mines we must impose a certain duty upon the imported article. Those whose capital is invested, those who have studied the question at the mouth of the mines or work in the levels below, tell us that this rate of 35 cents is essential, is absolutely necessary, to the opening of these mines and to continuing quicksilver mining in the States I have mentioned.

It is with the Congress to grant this relief or refuse it. You can put out this industry. But is it desirable to do so?

It seems to me that those who believe in the protective principle should be governed by the facts as they come to us here, and it seems to me that my friends of Democratic faith or principle should see in this industry an exception to their fundamental doctrines. Upon the score of revenue, instead of stopping importations, while I would not invite an increase of importations, I am very sure the proposed duty would not cause a reduction in the total amount of revenue so derived.

I shall not trouble Senators who listen with a prolonged speech, but I urge upon those who believe in our protective doctrine to grant the rate which we say is essential. It will not yield great profit to the miners; only a fair profit will come to the owners of these various mines; nor will it result in an increase of prices to an extent which will be a burden upon any branch of American industry or to any considerable number of the people of this country.

There is one other thought I wish to throw out for the consideration of the Senate. It has been suggested that our quicksilver deposits should be conserved. A certain type of publicists, certain importers, have advanced the notion that we should not exhaust these deposits, that we should not engage in this mining, that we should save them for future generations. Such a notion is utterly fallacious; it is entitled to no consideration whatever. Most of these mines are now closed, as I have said. They will be abandoned and ruined unless mining is resumed. The deposits are perhaps not inexhaustible, but they are very extensive. They can be greatly developed, as they were during the war time. They can be greatly developed, giving work and wages to American men and women, or they can remain closed, and the work and wages will be given to the foreign men and women.

The showing is complete; the evidence is before us; the necessity for the duty asked is established. I urge therefore upon

those who believe in protective principles to stand by the House rates—to give at least 35 cents a pound on this vastly important metal produced in America and thereby revive and prosper this American industry.

Mr. McCUMBER. Mr. President, before voting upon the pending amendment, I think I should present to the Senate some of the salient facts concerning the industry, and also some of the reasons which justified a majority of the majority of the Finance Committee in holding, after a reconsideration, to the views which they have expressed in offering this amendment. I will give some of the facts concerning the industry, and then the deductions therefrom.

The Payne-Aldrich rate, as we will remember, was 7 cents per pound. The Underwood-Simmons rate was 10 per cent ad valorem. The House rate is 35 cents per pound. The committee rate is 25 cents per pound.

The imports during the first eight months of 1921 amounted to 528,003 pounds, valued at \$329,145, or 62 cents per pound. In 1920 the imports reached their maximum, when they amounted to 1,062,647 pounds, valued at \$967,510, or 91 cents per pound. In 1905 the United States was the leading producer, with 30,534 flasks of 75 pounds each, amounting to 2,290,050 pounds. This fell to 16,548 flasks in 1914, and rose to 36,159 flasks in 1917. The estimated production in 1921 was 6,339 flasks.

The cost of production in the United States is greater than that in Spain, Italy, and Austria, because of the low-grade ore and the high labor cost. The domestic ore averages not over five-tenths of 1 per cent of quicksilver, while that of Spain runs eight-tenths of 1 per cent, that of Italy nine-tenths of 1 per cent, and that of Austria sixty-five one-hundredths of 1 per cent. The United States cost of production was about \$1 per pound in 1921.

One of the outstanding features is the extreme low grade of the United States ore, which yields on the average not more than 10 pounds of the metal per ton. In Spain the mines are worked to a considerable extent by convict labor, but the cost of running and treatment is actually much higher per pound of ore than in this country. However, every ton of Spanish ore yields 150 pounds of metal to the ton, while ours yields only about 10 pounds.

I want to call attention to the fact that during the war our price ran as high as \$300 per flask, or \$4 per pound. This indicates the necessity of giving what we might consider adequate protection.

Let us look at the cost. I have stated that the import price in the first nine months of 1921 amounted to about 62 cents per pound, while the cost in the United States is about \$1 per pound. If I look over the import prices in 1908, I find that the value per pound was about 45½ cents. In 1909 it was about 52.8 cents. In 1910 it was 54.1 cents. In 1911 it was 52.9 cents. In 1912 it was 52.4 cents. Then it dropped to as low as 43 cents in the beginning of 1913, and is now 62 cents per pound, importing value. But it must be remembered that that 62 cents includes 10 per cent ad valorem, the present rate of duty.

Assuming that it can be imported at 62 cents, and that the cost in the United States is \$1, it would require 38 cents per pound to meet the difference. The House gave only 35 cents. The Senate committee cut that to 25 cents per pound, but in doing so the Senate committee took into consideration the fact that the present cost in the United States is probably the peak of the high cost of production, while the importing price is probably as low as it is likely to be.

We have very often been accused of attempting to uphold the present high production costs and continue the high cost of the products to the American people. I have stated on several occasions that the committee has scarcely ever in this bill given a rate that would actually measure the difference between the importing price of the foreign product and the price for which the American product is sold in the American market. We have in all instances made due allowance for the probable decrease in the American cost, and this is one of the examples of that. We believe that there will be a decline in the American cost, and while this does not measure up to the present standard or the present requirements to protect the American market on the present basis of the American cost, we have reason to believe that it will be a sufficient protection in a short time, and for that reason we have given less than is necessary for the present protection at the present American cost of production.

Mr. JOHNSON. Mr. President, permit me just a word in response. As to the statistical matter which has been suggested by the Senator from North Dakota, I want to emphasize that in the past year, out of 51 mines which existed in this country, not more than 3 or 4 have been able to be worked at all be-

cause of the prices for the output, and because they could not maintain and sustain the loss of working under present conditions.

As to the output, the figures read by the Senator from North Dakota are doubtless correct, but during this year, under existing conditions, whereby the mines have been compelled to shut down because of the losses sustained, not more than a couple of hundred flasks of quicksilver have been produced in this country at all.

One other item: The Senator from North Dakota very justly presents the difference, from the standpoint of the figures before him, in the cost of the production of this article abroad and that at home. He makes the difference between the cost at home and the cost abroad 38 cents a pound.

Mr. McCUMBER. If the Senator will allow me, I think one can justly say that there is a greater difference, because there is the 10 per cent ad valorem.

Mr. JOHNSON. Exactly.

Mr. McCUMBER. To which I called attention.

Mr. JOHNSON. Yes; the Senator did; and there is not only that greater difference of 10 per cent between the cost of production at home and abroad, but as the tariff survey shows, the costs abroad are now being lowered and are going down all the time. But take the Senator's figures. Without counting the 10 per cent, if 38 cents a pound is the difference in the cost of production abroad and at home, we are entitled to the 35 cents, the rate which has been given us by the House.

On no other theory of protection can it be said that a differential rate or lower rate should be given. The justification of the majority of the Finance Committee is that they hope that in the future our cost of production in this country will lessen, so that instead of a differential of 38 cents a pound now existing with a tariff of 10 per cent added we may get down below the 25 cents a pound which they are willing to grant us. If there is a justification for this speculation, we may take into consideration as well the statements made by the tariff survey as to the reduced costs abroad, and they will equalize themselves.

So upon the argument that has been made by the Senator from North Dakota we are entitled to the 35 cents which the House gave us, and I hope that the amendment of the Senate will be voted down and the House rate retained.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from California a question, with his permission.

Mr. JOHNSON. I gladly yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to ask him if he agrees with the statement of the Senator from North Dakota that while 160 pounds of Spanish ore will yield 10 pounds of quicksilver, it takes a ton of American ore to yield an equal amount of quicksilver?

Mr. JOHNSON. I will say to the Senator in reply that I am not certain of the exact figures, but there is a very great disproportion. There is no question about that at all.

Mr. SIMMONS. If that is true, it means that a ton of American ore yields of this product only one-sixteenth as much as a ton of Spanish ore.

Mr. JOHNSON. I am not sure of the exact figures, as I said.

Mr. McCUMBER. I gave it as 150 and not 160, so it means practically one-fifteenth.

Mr. SIMMONS. A ton of Spanish ore yields fifteen times as much of this product as a ton of the American ore. If there is that difference in the yield of the ore, may not the difference in the price be attributed to the great inferiority of the American ore, it being necessary to mine 15 tons here against 1 ton in Spain to get the same quantity of product? Does the Senator think, if that condition exists, that the American people ought to be taxed in order to enable the mines of this country, yielding only one-fifteenth as much as the mines of another country, to compete successfully with that higher grade of product? I am merely asking for information. I am not asking this in a controversial spirit. I think there is where the trouble comes.

Mr. JOHNSON. No; I will tell the Senator where the trouble comes. The trouble comes in the fixing of the prices of quicksilver in the fact that the Rothschilds control the great output of the world. They do just as they please with the prices. The only time the prices ever got away from them was during the war, but during the war, of course, they soared high. Then a commission was appointed to sit and hear testimony and fix prices. My recollection is they fixed \$1, but I am not entirely clear that that is accurate. However, the expert nods in assent, so I presume I have accurately stated that that price was fixed during the war by the War Industries Board, which went to San Francisco.

One of the strange things about quicksilver is the peculiar fluctuating market that we find, for which there has been no solution suggested except the one that the Rothschilds control the output of the great Spanish mines where this ore is found, and they do practically as they please concerning the prices.

Mr. SIMMONS. But in this country if there were two mining districts producing the same kind of ore, and the ore in one of those would yield fifteen times as much of the product as the ore in the other, of course the weaker mine must close or it must have a subsidy of some sort to keep it alive. Here is the same question with reference to America and Spain. We have the Spanish ore yielding fifteen times as much as the American ore. Now, the Senator from California, as I understand it, asks us to keep the weak mine alive by giving a tariff subsidy.

Mr. JOHNSON. There is another reason which the Senator evidently missed in the remarks that have been made. Fifty per cent of the normal production in this country is necessary for national defense, for war purposes; that is, it is necessary for percussion caps and munitions, a part of military necessities. If we destroy the ability to produce in this country we put this product wholly and entirely in the hands of a foreign nation.

Mr. McCUMBER. The Senator from California is entirely right in saying that heretofore the product has been under the great Rothschild trust, but the Rothschild lease, or interest, or agreement, whatever it may be called, expired in the early part of the year, and to-day the Spanish Government, which is probably as powerful as the trust, owns nearly all the quicksilver mines outside of the United States.

Mr. UNDERWOOD. Mr. President, I desire to say a few words before we vote on this question. I was rather surprised at the admission of the chairman of the committee that the rate was not adequate which the committee adjusted to cover the difference in cost. I may have misunderstood him, but I thought I understood him a while ago in the debate to say that the high cost of production of quicksilver in this country is \$1 per pound. If I am wrong about that, I hope the Senator will correct me, but that is what I understood the Senator to say.

Mr. McCUMBER. I take that not from the report, but from the testimony before the committee.

Mr. UNDERWOOD. That is what I understood. That was the war-time cost of production. I find that in 1920 we exported some quicksilver to Japan, Canada, British India, Cuba, and Peru. We exported 116,000 pounds in round numbers, at a value of \$129,000 in round numbers, which would make a cost-unit value of \$1.10 per pound. We were exporting then at \$1.10 per pound, which of course included the cost of manufacture and profit. So I think when the Senator said that the top notch of war-time production was \$1 a pound, that is a high figure.

If we balance this industry in that cost of production, taking the facts which have been admitted here in debate by the Senator from California and the Senator from North Dakota, the present import price is 73 cents. If we add 25 cents, the rate which the committee reported, to 73 cents, we get 98 cents, which practically equals the top-notch cost of production in America during war times. If we add to it 35 cents, we get \$1.08, which is way above the cost of production in America during the war period.

So, when the junior Senator from California [Mr. SHORTRIDGE] turned to the Republican side of the Chamber and said that he was going to put them to the acid test to vote for this 35 cents he was surely doing it, because he was asking them now to put a rate on the statute books for the time to come that would be 8 cents in excess of the highest cost of production during the World War period.

Then the Senator, in his usual eloquent style and forceful way, appealed to the Senate—or at least he appealed to Senators on the other side of the aisle who believe in this theory of high protection in the interest of the homes and the farmers and the American working men—that the people engaged in this production be made not only equal in tariff as to the difference in cost between the import price of to-day and the top-notch cost of production during the war, but to exceed it by 8 cents per pound. Of course, the eloquence we have heard on the floor continually in reference to all these items, that the factories and the foundries and the mines are shut down, and that they want a high tariff as a sort of salt solution to put in the veins of the corpse and bring it back to life again, does not apply to this item.

I happen to be connected in some way with the business of making pig iron. I want to say that since this unfortunate calamity in business has come to the American people every furnace in the plant in which I am interested has been shut down, without the smoke coming from a single stack, and it has remained that way for a year. I am glad to say they are

creeping back into business again. But I never for a moment attributed that to a tariff condition. I knew the business conditions in America were such that the demand for pig iron had practically ceased, that there was no opportunity to make sales, and that those engaged in the business had to wait with patience until normal prosperous times returned to the people of the United States.

So it is with the quicksilver industry. It is apparent on the face of the thing. A great demand for quicksilver is to make munitions. It is used in medicines and in the arts to some extent, but the amount of quicksilver that is used to make thermometers for the doctors is infinitesimal compared with the amount that is used in the manufacture of munitions. Of course, we all know that we had a great overproduction of munitions when the war ceased, and so had the balance of the world. We temporarily stopped using quicksilver to make fulminating caps because we had an oversupply of shells and war materials, and we did not want to make any more because we wanted to use up what was left on our hands after the war. That is true of all the other large countries involved in the late war. Therefore they quit using quicksilver for that purpose, and the bottom of the market dropped out.

That is what is the matter with this industry. It is not any question of tariff. We do know that in normal conditions, when this industry prospered and exported its commodities before the Great War, the selling price was along about 43 cents per pound, and there is no reason to believe that it will not come back there. We know that during war time, when the Senator from North Dakota says the top notch of the cost of production in America was \$1, this product had far more than doubled in value and that every other commodity and all supplies that a mining or industrial camp needed for production was far more than doubled in value. We know they are coming down and have been coming down every day to some extent, not as fast as we would like to have them, but gradually falling from that high top notch of production. And yet, taking the top notch of production during the middle of the war, when the producers of quicksilver were producing it for \$1 a pound and selling it to the United States Government for \$4 a pound, and taking the present cost of production of importations, the Senator from North Dakota in his amendment would add 25 cents, which will bring it within 2 cents of the top-notch cost of production during the war, and the Senator from California would add 35 cents a pound, which is 8 cents in excess of any evidence whatever to show that it costs over \$1 a pound to produce it at any time.

I am not saying that this article should not have a reasonable rate; it is a commodity that will bear a reasonable rate; but when the junior Senator from California [Mr. SHORTRIDGE] says it should have 35 cents a pound, in order that the industry may survive, under those circumstances, I agree with him that he has put the acid test to his colleagues on the Republican side of the Chamber.

The PRESIDING OFFICER (Mr. BURSUM in the chair). The question is upon agreeing to the committee amendment.

Mr. JOHNSON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. JONES of Washington (when his name was called). The Senator from Virginia [Mr. SWANSON] is necessarily absent from the city. I agreed to pair with him for the day, but I find I can transfer the pair to the junior Senator from Oregon [Mr. STANFIELD], and I do so, and shall vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Maryland [Mr. WELLER]. I will allow this announcement of the transfer of my pair to stand upon all votes to-day. I vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to my colleague, the junior Senator from South Dakota [Mr. NORBECK], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. Being unable to secure a transfer of that pair, I withhold my vote.

The roll call was concluded.

Mr. DIAL. I am paired with the junior Senator from Missouri [Mr. SPENCER], but I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. GLASS. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. COLT. I have a general pair with the junior Senator from Florida [Mr. TRAMMELL]. I transfer that pair to the senior Senator from Pennsylvania [Mr. Crow] and vote "yea."

Mr. BALL. I inquire if the senior Senator from Florida [Mr. FLETCHER] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. BALL. I have a general pair with the senior Senator from Florida, and, as he has not voted, I withhold my vote.

Mr. EDGE. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. Not being able to secure a transfer, I withhold my vote.

Mr. WILLIS (after having voted in the negative). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I am unable to obtain a transfer, and therefore withdraw my vote.

Mr. WALSH of Montana (after having voted in the affirmative). I observe that my pair, the Senator from New Jersey [Mr. FRELINGHUYSEN] is absent. I transfer that pair to the Senator from Missouri [Mr. REED] and allow my vote to stand.

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Montana [Mr. MYERS] and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 80, nays 25, as follows:

YEAS—30.

Borah	Harrison	Page	Stanley
Brandegee	Heflin	Pepper	Sutherland
Capper	Hitchcock	Ransdell	Underwood
Colt	Kendrick	Robinson	Wadsworth
Curtis	McCumber	Sheppard	Walsh, Mass.
Dial	McLean	Shields	Walsh, Mont.
Glass	Norris	Simmons	
Harris	Overman	Smoot	

NAYS—25.

Bursum	Johnson	Moses	Shortridge
Elkins	Jones, Wash.	Newberry	Sterling
Ernst	Kellogg	Nicholson	Townsend
France	Keyes	Oddie	Warren
Gooding	Ladd	Phipps	
Hale	Lodge	Poindexter	
Harrell	McNary	Rawson	

NOT VOTING—41.

Ashurst	Edge	McKinley	Stanfield
Ball	Fernald	Myers	Swanson
Broussard	Fletcher	Nelson	Trammell
Calder	Frelinghuysen	New	Watson, Ga.
Cameron	Gerry	Norbeck	Watson, Ind.
Caraway	Jones, N. Mex.	Owen	Weller
Crow	King	Pittman	Williams
Culberson	La Follette	Pomerene	Willis
Cummins	Lenroot	Reed	
Dillingham	McCormick	Smith	
du Pont	McKellar	Spencer	

So the committee amendment was agreed to.

Mr. SMOOT. Mr. President, I now ask to return to paragraph 16.

The PRESIDING OFFICER. The Secretary will state the amendment in paragraph 16.

The READING CLERK. In paragraph 16, page 6, line 16, before the words "per centum" the Committee on Finance propose to strike out the numerals "30" and insert the numerals "45", so as to make the paragraph read:

PAR. 16. Calomel, corrosive sublimate, and other mercurial preparations, 45 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. SIMMONS. Mr. President, calomel is a small item in respect of the quantity of production, consumption, and importation, but it is a very important item when we consider that it is one of the chief medicines used by the people of the United States. Especially is it important to the people in sections of our country which are more or less malarial. Calomel is the medicine of all the people, the poor and the rich alike, and in some sections of the United States that medicine is absolutely essential to health. Next to quinine, I consider calomel the most important medicine that is used generally among our people.

Personally I do not believe that it is wise public policy to tax genuine medicines. I have always entertained that view. There are some things that the Government may tax for revenue; there are some things that the Government may tax, according to the theory of a large element in this country, for purposes of protection; but I do not believe that the medicines

of the people ought to be taxed, and, if they must be taxed at all, I think they ought to be very moderately taxed.

Here is this medicine of common use that the House proposes to tax at the rate of 30 per cent ad valorem. The Senate Finance Committee, for some reason, I do not know what, desire to raise that tax one-half and to impose a tax of 45 per cent ad valorem, a 50 per cent increase over the House rate. I had supposed, when we reduced the tax on quicksilver, out of which calomel is in large part made, that the committee would probably propose to reduce this 45 per cent tax, but they have made no such proposition.

Mr. SMOOT. In answer to that I will say to the Senator that the House provision was out of all balance. Nobody could justify the 30 per cent with a duty of 35 cents a pound on quicksilver. Some change must have been made on the floor of the House on quicksilver, and then they failed to make the difference on calomel, because the Senator will admit himself—I am sure the Senator will admit—that with 35 cents a pound on quicksilver and 30 per cent ad valorem on calomel there is no proportion between the two.

Mr. SIMMONS. That is exactly what I purpose to ascertain. Do you say that this is a compensatory duty which you are putting on calomel?

Mr. SMOOT. I can tell the Senator exactly, if he wants to know the compensatory duty. The compensatory duty is 25 per cent.

Mr. SIMMONS. Is it the purpose of the committee to impose a duty on calomel beyond the point of compensating for the duty imposed upon the ingredients out of which calomel is made?

Mr. SMOOT. Twenty per cent protection is all that the committee gives in this 45 per cent. Twenty-five per cent of it is compensatory duty and the other is a protective duty.

Mr. SIMMONS. Then we have this situation: Twenty-five per cent of this 45 per cent is compensatory duty and 20 per cent of it is a duty upon the calomel per se.

Mr. SMOOT. I will say to the Senator that, taking everything into consideration, outside of quicksilver, he may say that. I think that is a fair statement. To-day, under the existing law, we have a duty of 15 per cent ad valorem.

Mr. SIMMONS. Now, let me ask the Senator another question. We have just passed quicksilver. We have just put a duty of 25 cents a pound on that. I did not think we ought to have done so. I thought the 10 per cent duty was sufficient, and I think it was demonstrated that it was sufficient; but a duty of 25 cents a pound has been placed on quicksilver. What is quicksilver chiefly used for? Is it not used extensively for the purpose of manufacturing calomel and other medicinal mercurial preparations?

Mr. SMOOT. It is used for fulminates of all kinds, and for high explosives in mining camps, and it is used greatly in time of war. It is also used for the making of calomel. That is a very small part of the use, however.

Mr. SIMMONS. What part, will the Senator advise us?

Mr. SMOOT. I should not think it would be more than 15 or 20 per cent. I do not think that much is used for that purpose. On fulminates, of course, the percentage varies. Here is the use of quicksilver in the industries:

Drugs and chemicals, 8,500 flasks.
Fulminate, 4,850 flasks.
Vermillion red, 3,130 flasks.
Oxide, 3,000 flasks.
Electrical apparatus, 2,700 flasks.
Felt manufacture, 1,700 flasks.
Gold and silver amalgamating mills, 850 flasks.
Instruments, thermostats, gas governors, automatic sprinklers, etc., 630 flasks.
Miscellaneous, including boiler compounds and cosmetics, 1,000 flasks.

The figures I have given to the Senator are flasks, and each flask contains 75 pounds, so that, so far as the drugs and chemicals are concerned, there is 8,500 out of the 26,300.

Mr. SIMMONS. Then something in excess of 30 per cent of it is used for medicinal preparations and not 15 to 20 per cent, as the Senator had estimated.

Mr. President, here is an article, quicksilver, out of which a great many other things are made which are dutiable under this bill; and the proposition of the majority is that when placing duties upon these various products of quicksilver we shall give to each of them a compensatory duty to which a protection duty is added. Whether the sum of those compensatory duties will be equal to the duty upon the raw material, or whether the sum of those compensatory duties will be very much in excess of the duty on the raw material, I do not know, and no information is furnished us upon that point. By careful and expert calculation the answer might be disclosed; but I imagine, Mr. President, that in the case of these crude materials which are used to produce many things that are upon the

dutiable list the compensatory duty given on each of them would in the aggregate greatly exceed the duty imposed upon the raw material.

I say that, however, merely in passing. Let us assume that the Senator is right, that it is necessary to put a compensatory duty upon this medicine of the people because we have put a duty upon quicksilver of 25 cents a pound, when even under the old law, which carried a duty much less than that—only 4 or 5 cents a pound—there were negligible imports. Nevertheless, the tax has been levied. I think it was a great mistake. I think you at least ought to have excepted out of the quicksilver that part of it used in making mercurial medicinal preparations, such as calomel, and that you ought to have relieved this medicine of this compensatory duty; but if calomel had to be burdened with a compensatory duty of 25 per cent, certainly there can be no justification for adding a further 20 per cent as a protective tariff upon the medicine itself, unless it be the deliberately adopted policy of the majority to tax the medicine of the people when there are practically no importations of that medicine. With negligible importations, what, may I ask, are you "protecting" against?

Now, let us see what are the facts with reference to this article. I read from the Summary of Tariff Information prepared by the Tariff Commission. It says:

The American production of mercurial salts in 1914 was 605,701 pounds, valued at \$518,023, and in 1919, according to preliminary figures, increased to 1,143,800 pounds, valued at \$1,775,000. This quantity supplies a large part of the domestic consumption, as imports are small.

Let us see how small they are, Mr. President.

In 1918 the imports were 500 pounds. In 1919 the imports were 325 pounds. In 1920 they were 3,301 pounds. In nine months of 1921 the imports were 120 pounds, valued at \$138, the unit value being \$1.15 a pound. The importation of 120 pounds, when it is stated that the domestic production is 1,143,800 pounds, would not seem to me to justify any duty at all; but if it be said, as it has been said about other articles, that this calomel is coming in at a ruinous price, and the producer of calomel in this country is not able to compete with that price, that is completely answered by the fact that calomel in 1908 was selling at only 59 cents a pound, while the price of the foreign article is now \$1.15 per pound.

You can not therefore argue that American calomel needs now to be protected against low-priced importations.

In 1909 the foreign selling price was only 61 cents a pound. In 1910 it was only 66 cents a pound. I mean the foreign price of calomel was only 66 cents a pound in 1910, under the Payne-Aldrich law. The foreign price to-day is very nearly twice that much, or \$1.15 a pound, so that you can not say that even the small quantity of foreign calomel which is coming into this country is sold at such an exceedingly low price that it is driving the domestic producer of calomel out of the market.

You have these arguments against this proposition: First, a medicine used by all the people is taxed 45 per cent, not a medicine which can be dispensed with but a medicine which is absolutely necessary for the health of the people, as every physician in the section of the country from which I come will tell you. There was imported of calomel during the nine months of 1921 only 120 pounds, as against the domestic production of 1,143,000 pounds. Is it not quite absurd and affronting to our intelligence therefore to claim that a protective duty is necessary to safeguard the American producer?

You can not justify this duty therefore by the quantity of the imports. You can not justify it for that reason. You can not justify it on the ground that imported calomel is selling now at so low a price that the American producer can not compete with it, because we competed with it when the Payne-Aldrich law was in effect, when the foreign selling price was 66 cents a pound, and if we could compete with it then, when the foreign article was selling at 66 cents a pound, certainly we can compete with it now, when the foreign article is selling at \$1.15 a pound. I assert unhesitatingly that you can not escape these, to my mind, utterly overwhelming and unanswerable reasons why this medicine of the people ought not to be taxed.

Mr. SMOOT. Mr. President, as I stated, the House provision of 30 per cent was an error, no doubt. The House imposed a duty of 35 cents a pound upon quicksilver, and that was done on the floor, and when that was made 35 cents, the House did not give a compensatory duty on calomel. It is not balanced at all.

The Senate committee provision is much less than the House provision, very much less, taking into consideration the rate of 25 cents a pound, which the Senate committee has now voted to be the rate on quicksilver.

There are about 80 per cent of mercurials in quicksilver. So, as 80 per cent of 25 cents is 20 cents, the rate on mercurials

would be 20 cents a pound. The present price of calomel is 94 cents. The price of corrosive sublimate is 76 cents. Twenty cents is about 25 per cent of the price of the mercurials.

The Payne-Aldrich rate on quicksilver was 7 cents a pound, and on calomel the rate was 35 per cent. The existing law carries a rate of 15 per cent on calomel and 10 per cent upon quicksilver, or a compensatory duty equal to 5 per cent upon the manufacture of calomel in this country.

Your committee reports an amendment to the House provision raising the rate to 45 per cent ad valorem. That is 45 per cent under the foreign valuation. The House had 30 per cent under the American valuation, with quicksilver at 7 cents a pound. So the Senator can plainly see that there was no balance whatever between the rates. With 7 cents a pound imposed under the Payne-Aldrich bill, the rate was 35 per cent. The House gave 35 cents on quicksilver, instead of 7 cents, as provided in the Payne-Aldrich law, and 10 per cent in the existing law. Your committee cut that from 35 cents a pound to 25 cents a pound, and we made the ad valorem duty on the calomel itself 45 per cent.

I have already put into the RECORD the figures showing the consumption of quicksilver in the United States, and I shall not do so again, it having been done in the time of the Senator from North Carolina [Mr. SIMMONS], at his suggestion.

I do not see that it is necessary to say anything further. I frankly admit that with 25 cents a pound upon quicksilver there will be an increase of duty, not only on calomel but on vermilion red as well, and I shall ask the Senate to take up the paragraph covering vermilion red just as soon as this paragraph is disposed of.

Mr. SIMMONS. I move to amend the committee amendment by inserting "15" in lieu of "45."

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 6, line 16, strike out of the committee amendment "45" and insert "15," so that it will read:

Fifteen per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina to the committee amendment.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Harris	McLean	Rawson
Ball	Harrison	McNary	Robinson
Bursum	Heflin	Moses	Sheppard
Capper	Hitchcock	Nelson	Shields
Colt	Johnson	Newberry	Shortridge
Culberson	Jones, Wash.	Nicholson	Simmons
Curtis	Kellogg	Norris	Smoot
Dial	Kendrick	Oddie	Sutherland
Dillingham	Keyes	Overman	Townsend
Edge	Ladd	Page	Walsh, Mass.
Elkins	Lenroot	Pepper	Walsh, Mont.
Ernst	Lodge	Phipps	Warren
Gooding	McCumber	Poindexter	Watson, Ga.
Hale	McKinley	Ransdell	Willis

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from North Carolina to the committee amendment.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, before we vote I want to say a word, because I doubt whether even the supporters of this bill realize what they are doing in voting for this tariff. The Senate just voted a tariff on quicksilver amounting to 25 cents a pound. Quicksilver is necessary in the manufacture of calomel.

The Payne-Aldrich law, which was notorious for its excessive tariffs, had a tariff of only 7 cents a pound on quicksilver, but you have raised it to 25 cents. That seems to make necessary a compensatory duty on calomel, in the manufacture of which a large proportion of quicksilver is used. The Senate committee, in endeavoring to meet this situation, has proposed a tariff of 45 per cent on calomel, and yet, practically speaking, no calomel is imported into this country under the present duty of 15 per cent. The importations last year, for instance, amounted to only 2,438 pounds. That was the total amount of calomel imported into the United States in 1921, and the consumption of calomel in the United States approximates 1,000,000 pounds, so that only a fraction of 1 per cent of the calomel used in this country is imported. Yet you propose to put a duty of 45 per cent on this necessary article in medicine.

I do not know whether it is done for the protection of American labor, but no one will claim that there is any considerable amount of labor employed in the manufacture of calomel. The Senator from North Carolina has indicated pretty plainly that calomel is a necessity. We know it is not a luxury. We know in certain parts of the country, where certain ailments prevail, calomel is an absolute necessity. It is a necessity for poor people. It is something they have to go out and buy when they are in distress. Yet here it is proposed to put on a duty of 45 per cent in place of the existing duty of 15 per cent. Can there be any justification for such a proceeding as that?

There is no claim that the American calomel industry is being destroyed by importations, because 1,000,000 pounds were made in the United States last year and less than 3,000 pounds imported. I merely want to lay that before my Republican friends to see what they have to say about it. Is there any Senator here on the majority side responsible for legislation to the people who can justify trebling the existing tariff on calomel, a necessary medicine for the people, when there are no importations, practically speaking—that is, when the importations are less than 3,000 pounds against a consumption of 1,000,000 pounds? If there is any Senator who can justify that from any standpoint, I wish he would take the floor and do it.

Mr. SIMMONS. I suggest that the Senator might add that the foreign price is nearly double to-day what it was in 1910 and 1911.

Mr. HITCHCOCK. I have not gone into the matter of the foreign prices. We know that the price of calomel has fluctuated widely, but at the present time it is not far from normal. It approximates something like 80 cents a pound, as I understand, at the present time. It has gone up above that and it has been below that. May I ask the Senator if that is correct?

Mr. SIMMONS. It was \$1.15 at one time.

Mr. HITCHCOCK. Yes; it has gone up considerably. At the present time, however, with the American manufacturers practically dominating the market and meeting the demands, with calomel at a normal price, with almost no importations, it is proposed to treble the existing duty on this necessary article of the people. If we could select any article that would be entitled to a low duty or that might be entitled to go upon the free list it is such an article as calomel, which is necessary for so many millions of people to use at times. Yet the duty is to be made 45 per cent as against the existing duty of 15 per cent. I do not see how any Republican who has any regard for the needs of the American people, even on the theory of a protective tariff, even upon the theory of a tariff compensating for the difference in the cost of manufacture here and abroad, even upon the theory of merely making up the difference in the labor cost here and abroad, upon any theory at all that the Republican Party has ever stood for, can vote for trebling the existing tariff on this commodity.

Mr. SMOOT. I wish to say to the Senator, as I have already stated, that the ad valorem rate imposed upon calomel of 25 per cent comes largely from the rate that the Senate voted upon quicksilver. I do not think we need worry much about what the ultimate consumer of calomel is going to pay for it. I know this is not an argument generally upon products, but I am saying this to impress not only upon the Senate but the country at large where the evils of the high cost of living rests. I do not know of a better case, since the Senator from Nebraska has brought it up, than to point to this item.

During the war when the price of calomel was double what it is now every purchaser who went to the drug store and purchased a little bottle of calomel pills about an inch high, with about one-tenth of an ounce of calomel in it, paid 35 cents for the bottle. If he goes to-day he pays the same 35 cents for the same size bottle, when the price of quicksilver is only one-half of what it was previously, and 80 per cent of calomel is quicksilver. If we made it free the druggists would not sell that little bottle of calomel pills for any less than 35 cents.

I called attention the other day to the fact that many times the ingredients of every name and nature in a prescription would not cost to exceed 5 or 6 cents, and yet the druggists sell it for 75 cents or a dollar. No tariff is ever going to interfere with a proposition of that kind. They sell it for every cent they can get. Unfortunately, many of the prescriptions are sent by the doctor to a particular drug store to be filled, and no one who has a sick child or sick relative or sick friend, when he is about to have a prescription filled, is going to quibble over the price charged when the more quickly it is filled and the sooner the patient uses it the better for the patient, if he has faith in it.

As far as medicine is concerned, some time or other there will be an investigation made from one end of this land to the

other, and the question of what is in a prescription and what it costs and what it sells for to the American public will be made clear to the people. When it is known, there will not be much criticism of the cost of the materials in a prescription.

Mr. WALSH of Massachusetts. Mr. President—

Mr. SMOOT. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Does not the Senator think we should have that information before fixing a tariff duty?

Mr. SMOOT. No. If we had a rate of 100 per cent on every item it would not make a particle of difference in the price charged for the prescriptions. I would say if the tariff were 200 per cent, it would make no difference.

Mr. WALSH of Massachusetts. We could at least prevent the charge of excessive prices by making those items free on which a high duty is proposed.

Mr. SMOOT. Oh, no; we could not do that. The prescriptions are filled upon the order of a doctor. One doctor will think one prescription is what a patient needs, and another doctor will think another prescription is what he needs. If it were a case of patent medicines it would be a different thing.

Mr. ROBINSON. Mr. President, there is no doubt that the profits upon many drugs are excessive beyond reason. The little investigation I made into the matter a year or two ago convinced me that as to many drugs the retail profits exceed from 200 to 300 per cent. But I can not understand how the Senator from Utah or anyone else can think that increasing the tariff on these products will in any way afford relief from prevailing excessive prices. The only effect that an increased tariff can have is to perpetuate the conditions which now exist.

Mr. NORRIS. Mr. President, I have no doubt in my mind that the Senator from Utah [Mr. Smoot] has correctly stated the facts with relation to the sale of this drug as well as others by druggists. It may be that if the tariff were removed or lowered, the consumer would have to pay to the druggist an exorbitant price. But I do not want to see an instrumentality of the Government which will put the druggist in a position where he will be justified for charging those prices. It is no reason, in my judgment, why we should levy an exorbitant tariff on an article of necessity because the druggists are now charging too much for the article. The minute we do it, the druggist immediately has an argument to sustain him or tending to sustain him in the exorbitant price that he charges. He will immediately say, "The tariff has been increased and we are justified." It would be better, it seems to me, in a case of that kind, if there are importations that will come in, to cut the tariff off entirely and let them come in. Perhaps that would have a tendency to lower the price of the necessities of the common people who have to get them.

It may be, too, that people would be better off if they did not use so much calomel. But, however we may feel about that, it is a drug used universally for some diseases or difficulties, and whatever course we may pursue we can not affect that. The people who have to buy, buy it not because they want to but because they are compelled to buy it. It is not a luxury, even though to some extent some people, good people, too, claim that it is not a necessity. For practical purposes it is a necessity. But because the man with a sick child or a sick wife is charged an exorbitant price by a dealer in the article is not, to my mind, a justification for Congress to assist that dealer in asking the exorbitant price.

The condition which the Senator from Utah describes, I think, is true. It only admonishes us that there is more than one evil that we have to meet in this respect. We can not meet the evil that the consumer has to contend with by increasing the tariff, thus to some extent, at least, increasing the sale price of the article. We are only adding to it. Perhaps, at least in this legislation, we are not able to reach the druggist who charges the sick an exorbitant price for a medicine but, at least, we can take away from him the argument and in some respects the right to exact that kind of a profit. If the article is cheapened, it is fair to say that there will be druggists who will cut the price. It is fair to say that if it becomes too burdensome, philanthropic people in regions where a great deal of it is used will see that the money is supplied in order that the poor may get it at a fair price.

I once heard of a druggist who employed a new prescription clerk. After he had been working in his new place for a day or two he put up a prescription for a customer, and after the customer had gone away he discovered that the customer had given him a counterfeit bill. He was very much worried for fear he would lose his position because he had not been careful enough. He went immediately to the proprietor and showed him the bill. It was a \$1 bill, and was evidently a counterfeit. But instead of the proprietor reprimanding the clerk, he said,

after he looked over the prescription carefully, "How much did you charge him for that prescription?" The clerk said, "I charged him \$1.10." The proprietor asked, "What about the 10 cents; was that good or was that counterfeit?" The clerk said, "Oh, no; that was good." "Oh, well," said the proprietor, "it is not so serious, then. There is still a profit of 5 cents in the transaction."

That may continue, Mr. President; but we are acting now upon the supply of this article, or a business in which that practically controls not only the price in America but to some extent in the world. We are not dependent upon foreign importations; they amount practically to nothing. So we are not going to get any revenue out of this duty to amount to anything. We hardly derive revenue enough under the existing tariff rate to pay the expenses of collecting the duty; and if it be increased as is proposed, we shall not get enough revenue to pay the expense of making the collection.

It is not necessary as a protective duty. It seems to me that a protectionist must take the other side of this question. The protectionist does not want to build an embargo; he does not want to protect monopoly. If there is no protection, and if there is no revenue, then the protectionist is in favor of a low tariff, if he be consistent with the proper theory of protection.

So far as I am concerned, Mr. President, I should be glad to vote to reduce this duty. I would put the duty on the article a great deal lower. I would, if I had my way, fix the duty lower than does the existing law. It would bring some revenue if we decreased the duty low enough, but if it is increased sufficiently high the duty becomes an embargo and the Government gets no revenue.

Mr. HITCHCOCK. Mr. President, there has not a word been said about the druggists to which I wish to refer. I presented to the Senate on yesterday a resolution which had been adopted by the retail merchants of Lincoln, Nebr. Lincoln, Nebr., is the great Republican stronghold in my State. I think it is safe to say that two out of every three of the people living in Lincoln are Republicans, and yet the retail merchants of Lincoln at a meeting held this week adopted the following resolution:

Whereas the retail dealers of the city of Lincoln are unalterably opposed to unnecessary advances in the prices of commodities; and
Whereas higher prices will react unfavorably against the retailer; and

Whereas the proposed tariff bill under consideration in the United States Senate will inevitably cause an unnecessary increase in prices, due to the large increase in the tariff rates on nearly all classes of commodities: Therefore be it

Resolved, That the retail trade promotion subdivision of the Lincoln Chamber of Commerce, at a special meeting called for the purpose of considering the effects of a high tariff, request the board of directors of the Lincoln Chamber of Commerce to convey to the Representatives and Senators from Nebraska this resolution opposing the enactment of the proposed tariff bill now under consideration.

Mr. President, the retail merchants of Lincoln, Nebr., adopted that resolution in their own defense. They know from complaints received from their customers that the American people are irking under the present high prices, and they dread the prospect of an increase of prices to the American consumer as the result of the passage of this bill.

It has been said here that the druggists are selling prescriptions containing calomel at exorbitant prices, and we hear the charge made as to other commodities that the druggists are exorbitant in their charges. Does anybody know of any retail druggist who is getting very rich? Is it the retailers of the country, ordinarily speaking, who are making fortunes? Not by any means. Do Senators realize that last year in the United States there were over 21,000 business failures, the larger number of which was made up of retailers? Do Senators realize that during the first four months of this year there have been 9,000 business failures in the United States, and that at that rate we shall have 27,000 business failures in the United States during the current year, a very large proportion of them being in the retail trade?

We hear people decry the prices that the druggists are charging, and yet we all know that the average corner drug store is only eking out an existence. Practically everything that the druggist sells is taxed. In the chemical schedule which we have been discussing almost every article sold in the drug store is subject to a tax. That is true not only as to calomel but thousands of the chemicals that every druggist uses are subjected to a tax in this bill as they are subject to a tax under the present law.

The druggist is taxed for other articles; the toothbrushes which he sells are taxed; his combs are taxed; all toilet articles which he sells are taxed; the soda water which he dispenses is taxed, as well as cigars sold over his counter.

The trouble is we have loaded up the retail trade, particularly the drug trade, with a tremendous burden of taxes. The

charge against the druggist is not the only charge which is brought against the retail trade. It is a common thing to hear denunciation of the butcher for the enormous profits he is supposed to be making, but nobody sees the butcher getting rich. The wealth is made behind the butcher, by those who supply the butcher, those who monopolize the trade. We hear the plumber denounced for the great charges that he makes, but whoever hears of a plumber getting rich? We hear the ordinary retail drug store charged with excessive prices, and yet there is a terrible business mortality among the drug stores, as indicated by failures that are recorded.

We hear people complain against the retailer because, unfortunately, the retailer is on the firing line; he is the man who has to deal with the people; but it is the law which taxes these articles of consumption which is responsible for the high prices that the people pay. They pay taxes on the lumber in the buildings they occupy; they pay taxes on the brick in the buildings they occupy; they pay taxes on the cement in the buildings they occupy; and if prices are high it is due, in the first place, to Congress, which is levying such heavy taxes on the consumption of the American people. The retailer is merely the man who is on the firing line, who must meet the complaints of the people.

Mr. President, I have said that the resolution quoted by me was adopted by the merchants of a great Republican city in my State. Now, I wish to read a paragraph of what the leading Republican paper in my State, the Lincoln Journal, has to say on the subject:

WHY RETAILERS FIGHT TARIFF.

Some of the reasons the retailers of Lincoln took their decided stand against the Fordney tariff bill were explained Thursday afternoon by J. E. Miller. The action taken by the retail trade subdivision asking the chamber of commerce to urge the Nebraska delegation in Congress to work against the bill was in line with a campaign against unwarranted increases in retail prices, and the merchants of Lincoln see in the proposed tariff measure many openings for manufacturers to raise their prices. Retailers are getting tired of taking the blame for high prices, it was brought out at the special meeting Thursday morning, and they do not propose to let a new tariff, or anything else conducive to high prices, get by without a protest.

There is much more than that, but I content myself with reading that paragraph and asking that the remainder of the article be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Every single item of tariff is higher under the Fordney bill, Mr. Miller says, and not only higher than under the present Underwood measure but higher than under the McKinley or Payne-Aldrich bills. From the entire schedule he selected a number of items of general interest and commented on them:

Wire nails, now duty free, will pay a duty of 4½ cents a pound under the Fordney measure, and every man who builds a house or a garage or a chicken coop will help foot the bill.

Sewing needles, none of which are made in this country and which are now imported under a 20 per cent tariff, would pay \$1.15 a thousand, plus 40 per cent. The pre-war price of 5 cents a package of 25 amounted to \$2 a gross, about the same as the new tariff alone would be.

Scissors and shears, now taxed 30 per cent, would pay from 10 to 20 cents per pair, plus 50 to 55 per cent. Scissors that sold before the war for 50 cents would thus pay a duty of more than half that.

Razors, now paying 35 to 55 per cent duty, would pay 30 to 40 cents a piece, plus 50 per cent. A half dollar English blade would thus pay a tariff of 65 cents.

Surgical instruments that are now taxed 20 to 50 per cent would pay 60 cents to \$1 a dozen, plus 60 per cent.

Crude aluminum tariff would be increased from 2 cents a pound, the present rate, to 5 cents under the Fordney bill. Aluminum plates now taxed 3½ cents would pay 9 cents.

Glove taxes would be considerably increased in every line, Mr. Miller said. The tariff on 12-inch leather gloves, now \$1 a dozen, would be raised to \$4, with an additional 50 cents for every inch in length and additional duties for linings and embroidered backs. On a 22-inch glove the tariff would be \$15 a dozen.

Men's leather gloves, up to 12 inches long, now taxed \$1 a dozen, would be taxed \$5. Mr. Miller attributes this item to former Congressman Littauer, who came from the glove-manufacturing district and is always called in to write glove tariffs.

Cotton gloves, such as used to be purchased in France and Germany for 35 to 50 cents a pair and are now imported under a 35 per cent duty, would be taxed \$3 a dozen. Cotton hosiery, now worth \$1 a dozen and paying 30 per cent tariff, will pay 70 cents a dozen, plus 15 per cent.

"Cotton hosiery is not much of an issue now," Mr. Miller said, "but it has been, and will be again. This is one of the increased cost items that will fall on the people least able to bear the burden."

Cotton hosiery, worth \$2 to \$3 a dozen and taxed 50 per cent, would pay \$1.20 a dozen, plus 15 per cent under the Fordney bill. The \$3 to \$5 a dozen kind, also taxed 50 per cent now, would be taxed \$2 a dozen, plus 15 per cent. Thus the \$2 quality would pay \$1.50 tariff, and the \$3 quality \$2.45 tariff. Ninety per cent of all kinds of hosiery, except woolen, is made in this country, Mr. Miller said.

A long chapter could be written on the wool schedules in the Fordney bill. It makes the duty on wool 24 cents a pound, the old rate being 11 cents. Blankets that now pay 25 per cent flat would pay 20 cents a pound and 30 per cent, about the equivalent of a 50 per cent duty. A certain \$5 blanket now costs the American merchant \$8.22, and will cost him \$10.40 if the new measure is passed. Only a small amount of woolen goods and manufactures is imported.

Mr. HITCHCOCK. What my colleague [Mr. NORRIS] said is absolutely true. The druggists may be overcharging, but when

the tariff duty on the commodities he sells is increased it amounts to giving him a license and an excuse to overcharge. We ought not to do it. Instead of raising the price of the necessities of life, whether sold by druggists or sold by other merchants, the Congress ought to busy itself in an effort to reduce those charges. It ought to contribute its part toward reducing the cost of living, toward making life more tolerable for the people. The great mass of the people who patronize retail stores do so from necessity, and they buy necessities rather than luxuries. When a child is sick in the household and the mother goes out to get calomel she can not haggle with the druggist over what he is to charge, and he is given an excuse for charging high prices when a tax is imposed upon every article of medicine which he sells to the American people. If we want retail prices to come down, let the Congress do its part by reducing the tax on the articles which the retailers sell.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. SIMMONS] to the amendment reported by the committee. On that question the yeas and nays have been ordered. The Secretary will call the roll.

Mr. WALSH of Massachusetts. I ask that the amendment may be stated.

The ASSISTANT SECRETARY. In the committee amendment on page 6, line 16, it is proposed to strike out "45" and insert "15," so as to read:

PAR. 16. Calomel, corrosive sublimate, and other mercurial preparations, 15 per cent ad valorem.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I have a pair with the junior Senator from Missouri [Mr. SPENCER]. I transfer that pair to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN], and vote "yea."

Mr. MCKINLEY (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CARAWAY]. As he is absent, I withhold my vote.

Mr. WATSON of Georgia (when his name was called). Making the same announcement as heretofore with regard to my pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Missouri [Mr. REED], and vote "yea."

Mr. WILLIS (when his name was called). I have a pair with my colleague the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Oklahoma [Mr. HARRELD] and will vote. I vote "nay."

The roll call was concluded.

Mr. DIAL. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on official business. He is paired with the Senator from West Virginia [Mr. SUTHERLAND]. If present, my colleague would vote "yea."

Mr. GLASS. Making the same announcement as on the preceding vote with regard to my pair and its transfer, I vote "yea."

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. JONES of Washington. Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. SUTHERLAND (after having voted in the negative). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from California [Mr. SHORTRIDGE] and allow my vote to stand.

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. BALL (after having voted in the negative). I understand the senior Senator from Florida [Mr. FLETCHER], with whom I have a general pair, has not voted. I transfer my pair with him to my colleague the junior Senator from Delaware [Mr. DU PONT] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; and
The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 16, nays 33, as follows:

YEAS—16.

Ashurst	Harrison	Myers	Stanley
Dial	Heflin	Norris	Sutherland
Glass	Hitchcock	Sheppard	Walsh, Mass.
Harris	Kendrick	Simmons	Williams

NAYS—33.

Ball	Johnson	Moses	Smoot
Bursum	Jones, Wash.	Newberry	Sutherland
Capper	Kellogg	Nicholson	Townsend
Curtis	Ladd	Oddie	Wadsworth
Edge	Lenroot	Page	Warren
Elkins	Lodge	Pepper	Willis
France	McCumber	Phipps	
Gooding	McLean	Poindexter	
Hale	McNary	Rawson	

NOT VOTING—47.

Borah	Ernst	McKinley	Shortridge
Brandegge	Fernald	Nelson	Smith
Broussard	Fletcher	New	Spencer
Calder	Frelinghuysen	Norbeck	Stanfield
Cameron	Gerry	Overman	Sterling
Caraway	Harreld	Owen	Swanson
Colt	Jones, N. Mex.	Pittman	Trammell
Crow	Keyes	Pomerene	Walsh, Mont.
Culberson	King	Ransdell	Watson, Ga.
Cummins	La Follette	Reed	Watson, Ind.
Dillingham	McCormick	Robinson	Weller
du Pont	McKellar	Shields	

So the amendment of Mr. SIMMONS to the amendment reported by the committee was rejected.

The VICE PRESIDENT. The question now is on agreeing to the committee amendment.

Mr. HITCHCOCK. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. Mr. President, this is a stupendous and unprecedented thing—that a necessity to the American people should have imposed upon it a tax 29 per cent higher than ever before in the history of American tariff taxation. The Payne-Aldrich bill had only a 35 per cent tax, and that was one of the bills that was infamous on account of its excessive taxes. Now, it is proposed to impose a 45 per cent tax on a necessary article of medicine of which the Americans use nearly a million dollars' worth a year. We want a record vote on that proposition.

Mr. SMOOT. Mr. President, just for the record, I wish to state that the Payne-Aldrich law carried a rate of duty of 35 per cent ad valorem, with the duty on quicksilver at 7 cents a pound. We have voted to-day to give quicksilver a rate of 25 cents a pound. Twenty-five cents a pound on quicksilver is equivalent to a little over 25 per cent ad valorem duty upon calomel; and the rate that we are voting upon now is not more than one-half of that of the Payne-Aldrich law when we take into consideration the compensatory duty of the rate imposed upon quicksilver.

Mr. HITCHCOCK. Mr. President, the Senator seeks to take advantage of his own wrong. Having made a great increase in the tariff on quicksilver, which is a necessary and large ingredient of calomel, he says: "Now, having done that thing, we have to do this extraordinary thing. We have to impose a tax on calomel 29 per cent higher than was ever known in the history of Republican taxation. We are responsible for it; we did it; and we have to do this because we did the other."

The VICE PRESIDENT. The question is on agreeing to the committee amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BALL (when his name was called). Making the same announcement as before of my pair and its transfer, I vote "yea."

Mr. DIAL (when his name was called). Making the same announcement as on the former roll call with regard to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. GLASS (when his name was called). Making the same announcement as on the previous roll call, I vote "nay."

Mr. HARRIS (when his name was called). Making the same announcement of my pair, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement of my pair and its transfer as before, I vote "yea."

Mr. KENDRICK (when his name was called). Again announcing my pair with the Senator from Illinois [Mr. McCORMICK] and being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. DIAL (when Mr. ROBINSON's name was called). Making the same announcement as on the former roll call as to the Senator from Arkansas [Mr. ROBINSON], I desire to state that if he were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous roll call with reference to my vote and its transfer, I vote "yea."

Mr. WATSON of Georgia (when his name was called). I transfer my general pair with the junior Senator from Arizona [Mr. CAMERON] to the senior Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Ohio [Mr. POMERENE] to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "yea."

Mr. MCKINLEY. I have a pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "yea."

Mr. WARREN (after having voted in the affirmative). Has the junior Senator from North Carolina [Mr. OVERMAN] voted? The VICE PRESIDENT. He has not.

Mr. WARREN. I transfer my pair with that Senator to the Senator from South Dakota [Mr. NORBECK] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 35, nays 16, as follows:

YEAS—35.

Ball	Harrell	McLean	Poindexter
Broussard	Johnson	McNary	Rawson
Bursum	Jones, Wash.	Moses	Smoot
Capper	Kellogg	Newberry	Sutherland
Curtis	Ladd	Nicholson	Townsend
Edge	Lenroot	Oddie	Wadsworth
France	Lodge	Page	Warren
Gooding	McCumber	Pepper	Willis
Hale	McKinley	Phipps	

NAYS—16.

Ashurst	Harrison	Norris	Stanley
Dial	Hefflin	Pittman	Underwood
Glass	Hitchcock	Sheppard	Walsh, Mass.
Harris	Myers	Simmons	Watson, Ga.

NOT VOTING—45.

Borah	Ernst	Nelson	Spencer
Brandagee	Fernald	New	Stanfield
Caldier	Fletcher	Norbeck	Sterling
Cameron	Frelinghuysen	Overman	Swanson
Caraway	Gerry	Owen	Trammell
Colt	Jones, N. Mex.	Pomerene	Walsh, Mont.
Crow	Kendrick	Ransdell	Watson, Ind.
Culbertson	Keyes	Reed	Weller
Cummins	King	Robinson	Williams
Dillingham	La Follette	Shields	
du Pont	McCormick	Shortridge	
Elkins	Mckellar	Smith	

So the amendment of the committee was agreed to.

Mr. McCUMBER. I now ask that we may return to paragraph 73, which is another commodity which is dependent upon quicksilver as its base—vermillion red. The base of vermillion red is quicksilver, and its price is dependent upon that of quicksilver.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 27, line 24, it is proposed to strike out "33" and insert "28," so as to make the paragraph read:

Vermilion reds containing quicksilver, dry or ground in or mixed with oil or water, 28 cents per pound.

Mr. McCUMBER. I desire simply to give this data in that connection:

The Underwood rate is 15 per cent ad valorem. The Payne rate was 10 cents per pound, which amounted to from 17 to 20 per cent ad valorem. The rate fixed by the committee is 28 cents a pound. In paragraph 283 a rate of duty of 25 cents per pound is imposed upon quicksilver. Eighty-five per cent of a pound of vermillion red is made of quicksilver. The compensatory duty on vermillion red is, therefore, 85 per cent of 25 cents a pound, or 21 cents per pound.

The import price during the first nine months of 1921 was 88 cents per pound. On this basis the 28 cents per pound is equal

to 32 per cent. The compensatory duty is, therefore, 24 per cent, and the protective duty is 8 per cent.

Mr. GOODING. Mr. President, I ask unanimous consent to have read and printed in the RECORD a telegram I received from the secretary of the Sheep & Goat Raisers' Association of Texas.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram.

The reading clerk read as follows:

DEL RIO, TEX., May 22, 1923.

Senator FRANK R. GOODING,
Washington, D. C.:

At recent session of the executive committee of the Sheep and Goat Raisers' Association of Texas, representing a membership of about 1,000 sheep and goat raisers of this State, the following resolution was adopted unanimously:

"Whereas at the suggestion of certain southern Senators it is proposed to have a senatorial inquisition and investigation of the effects of the emergency tariff bill upon the industries for whose benefit the same was passed; and

"Whereas we desire to go on record as to the benefits derived by the wool and mohair industries of Texas from said act; and

"Whereas we know that the stoppage of the great flood of cheaply produced foreign wools and mohairs which were being dumped upon our unprotected markets has greatly relieved our overburdened industries and preserved them from financial destruction: Now therefore be it

"Resolved, That we here now declare that the emergency tariff bill has saved the great wool and mohair producing industries of this State; be it further

"Resolved, That our secretary be, and he is hereby, instructed to forward this resolution by wire to Senator Gooding, chairman of the agricultural tariff group of the United States Senate, and request him to have same inserted in the Senate Journal for the information of southern Senators."

GEO. M. THURMOND.

Mr. UNDERWOOD. Mr. President, I suppose that after Robin Hood's band had poached on a deer in a neighboring preserve, captured it, and fed themselves properly, the band would naturally pass resolutions declaring that Robin Hood was the greatest genius of his age. Of course, we expect laudatory comments on our work from those who are the beneficiaries of our labor. But I did not rise to discuss that question.

This morning we put a high duty on a raw material, quicksilver, whose production does not require a great deal of labor in proportion to the cost. For many years, at a very low rate of duty, the American product was able to compete in the markets of the world with quicksilver of other countries. It is the acid test of competition when the American producer can send his goods to foreign countries. Some has been exported recently, in the last year or two; but notwithstanding that fact, the Senate this morning, in its wisdom, placed a duty on quicksilver more than three times the rates which have heretofore existed. Then again this morning, when we were discussing the item of calomel, we were told that because of the tax on quicksilver we had to raise the tax on a very necessary medicine, which aids in preserving the lives and health of the American people.

Now we come to paint, a commodity that is necessary to preserve the homes, and the machinery of business and industry of the United States. The Senator from North Dakota, in charge of this bill, has made a very illuminating statement, and one which I hope the American people will understand and remember, as showing the basis on which the Senate of the United States proposes to write a protective tariff bill. The Senator from North Dakota is always very fair and candid in his statements. From his point of view he expresses his mind fully, and he has just told us that on this item of paint it is necessary to have this very high duty, not merely for protection but in order to compensate the manufacturer of this paint for the higher price he has to pay for quicksilver, and he set out in his statement wherein the difference comes.

He stated that out of this rate which it is now proposed to put on this paint, and which I have no doubt the majority Members of the Senate will come in and proceed to write into the law, 24 per cent of the tax is a compensatory tax, to make up to the paint manufacturer for the fact that the Senate has put a tax on quicksilver, one of the raw materials out of which this paint is made, and that 8 per cent of the tax is for protection; that the principle of a protective tariff would be thoroughly satisfied by taxing the American people on this item of paint 8 per cent, provided there were no compensatory duties to carry into the product; but in order to compensate these manufacturers for a duty levied on something else, the American people must pay an additional tax of 45 per cent on the value of this paint.

Unless you look at it from the standpoint of the man who is in the business, and is given warrant to tax the American people behind this tariff wall for his own industry and his own private property; unless you look at it from the standpoint of Robin Hood's band after they had captured the baron's goat, I can see no justification for such a system of taxation. But you

must write a bill, piling tax on tax, because of your initial mistake in levying the tax for the sake of building up somebody else's business, instead of levying it for the primary purpose of producing revenue for the Government. That applies not only to this quicksilver item but it applies to raw wool, and to a hundred other items in this bill, which is piling sky high the burdens of the American people.

Mr. McCUMBER. The Senator admits, however, that if we place a duty upon what to the manufacturer would be raw material we must put on a compensatory duty, the same as when we place 33 cents a pound on washed wool or scoured wool, we must necessarily impose a compensatory duty on the articles which are manufactured out of that wool. Admitting all the Senator says in criticism of the system, he would still agree with us that where we have that duty it is necessary to have a compensatory duty, would he not?

Mr. UNDERWOOD. If you were writing a bill on the protective theory, certainly. That is what I am complaining against. It would not be so if you were writing a bill on the revenue theory. Of course, if you would write it on the revenue theory and proceeded to put a high tax on the raw material and a low tax on the finished product you might cause serious injury; but if you were writing it from the standpoint of a revenue duty, you would not be so foolish as to put these unreasonable taxes on at all. However, when you write it from the standpoint of protection you have not only to protect the home manufacturer and producer from foreign competition but you have to protect him against your own acts, against your own legislation, which you put on the statute books, because he will be ruined if you proceed to tax his raw material and do not give him compensation for it. As you admit, of course, that is the theory of protection, and what we protest against is that in order to carry out this theory you have to pile tax after tax on the mass of the American people. If you would just wipe the decks clear and forget that you are going to try to build these industries up on stilts and let them come down to a natural, competitive basis, this great country could exist and thrive and prosper without this great burden. But under your system you put a tax on the American people primarily for some individual who wants to exploit the American people behind a tariff wall.

Mr. SMOOT. Mr. President, I want to say that not one pound of vermilion red ever goes into a paint used by a farmer.

Mr. UNDERWOOD. I have not said anything about farmers. Somebody is going to pay it. I said the American people.

Mr. SMOOT. The Senator said it was to be used on buildings, and I thought he said the machinery of the farm; but I may be mistaken.

Mr. UNDERWOOD. Oh, no. I do not blame the Senator for having the farmer on his mind, because what he has done to the American farmer is enough to make him think about him all the time.

Mr. SMOOT. The Senator spoke about the farmer every time we were considering a duty on any pigment, and it was very natural for me to think that he was going to talk about the farmer when vermilion red was before us. He did talk about houses. Vermilion red is too costly to use in paints for houses. It is a decorative paint; it is used in artists' paints, and, as far as they are concerned, the duty no doubt will be passed on in the cost of those articles.

I am not going to repeat what the Senator from North Dakota said. This simply means that if we had free quicksilver the rate which is put in here, if converted into an equivalent ad valorem duty, would be about 9 per cent.

Mr. SIMMONS. Mr. President, we have just placed a compensatory duty on calomel, because it is made in part of quicksilver. We put a compensatory duty of 25 per cent on calomel and then added on top of that for the benefit of the manufacturer a 20 per cent additional and protective duty. The item with which we are now dealing is paint pigments. It is so described in the book. This is also made, not altogether but in large part, out of quicksilver. Twenty-five cents is added to this as a compensatory duty because of the quicksilver content, and only 3 cents protection is added in addition to that for the benefit of the manufacturer.

So that we have this situation: We add 20 per cent protection to calomel a medicine, for the benefit of the manufacturer, and 3 cents protection to paints. Evidently the majority members are more disposed to accommodate the manufacturer of calomel and give him high protection than they are to accommodate and protect the manufacturer of paints. I think the situation ought to be reversed. Both of them are wrong, but they ought to be reversed. If you are going to impose high and excessive duties it would be better to impose them upon something other than medicine.

Mr. President, here we have had two items both closely related, because both are made largely out of the same substance. The latter item of the two is one with which the Payne-Aldrich law dealt, that highest tax bill ever enacted in the country, that tax bill which brought disaster to the party which passed it, which brought about an uprising among the people and a political revolution which swept the best organized party that ever existed in this country almost out of existence for the time, which took from it all the States in this great Union except two. Yet the duty imposed in the pending bill upon this very article is nearly three times as great as that which was imposed in the Payne-Aldrich law. The duty was 10 cents a pound in the Payne-Aldrich law, and it is 28 cents here.

The Payne-Aldrich law also put a duty upon quicksilver and carried that duty forward, we will assume, under the theory of the Republican Party as a compensatory duty, but with the compensatory duty in favor of quicksilver, the Payne-Aldrich law only carried a duty on vermilion red of 10 cents, and now we are asked to impose a tax upon the American people upon this particular article nearly three times as great as that imposed under the Payne-Aldrich law.

Mr. SMOOT. The compensatory duty is, however, exactly the same in both cases; that is, 3 cents a pound. Under the Payne-Aldrich law on vermilion red it was 10 cents and on quicksilver 7 cents, the differential being 3 cents. In the pending bill the Senate committee has given 25 cents on quicksilver and 28 cents on vermilion red, the difference being 3 cents.

Mr. SIMMONS. But that does not affect the proposition laid down by the Payne-Aldrich law providing for this compensatory duty on quicksilver upon these two products. The compensatory duty on vermilion red only carried 10 per cent as against 25. The Payne-Aldrich law had a compensatory duty and this bill has a compensatory duty. So taking the two things together, the compensatory duty proposed by the Payne-Aldrich law and the duty imposed for the benefit of the manufacturer of vermilion red, we have a duty three times the Payne-Aldrich rate.

Let me see what justification there is for that great increase in the rates. There have been but two arguments made here in favor of increasing rates, or in favor rather of the high rates in the bill. One of them has been the alleged great volume of the importations from abroad, and the alleged cheap prices at which those imports were coming in, thereby undermining and destroying, as was claimed, the prosperity of the American industry. Neither of those elements exists in this case, as it was pointed out that neither of them existed in the case of calomel.

First let me call attention of the Senate to the imports as compared with the production in this country. The last statement that we have of the production of vermilion red shows that it amounted to 327,000 pounds in 1919 and about the same in 1914. In 1914 it was 322,000 pounds. So we will assume that that is about the normal output of this country, approximately 325,000 pounds. In 1918 the imports of this product, as given by the Tariff Commission, amounted to only 2,363 pounds, valued at a little over \$3,000.

In 1921, for the first nine months, there were 4,200 pounds imported, or, say, a little over 5,000 pounds for the whole year. There are imports, therefore, of 5,000 pounds, as against the domestic production of 327,000 pounds.

The importations have not increased. They have been growing less and less. The imports of vermilion red in 1909, under the Payne-Aldrich law, amounted to 65,000 pounds, more than twelve times as much as they amount to to-day. In 1911, under the Payne-Aldrich law, the importations amounted to 90,000 pounds, and in 1913, under the Payne-Aldrich law, to 84,000 pounds. They have been constantly decreasing. There has not been a single year since the present law went into effect when the importations were as great as they were under the Payne-Aldrich law. In fact, there has not been a single year when the importations under the Payne-Aldrich law were not at least three times as great as they have been under the present law. They have gone down and down, from 90,000 pounds under the Payne-Aldrich law to about 5,000 pounds during the year 1921.

But let us see now if there is any underselling to justify this duty. I find that the unit value of vermilion in 1921, of the imported product, was 88 cents a pound. I find that under the Payne-Aldrich law the unit value in 1909 was 53 cents per pound; in 1910, 56 cents; in 1911, 57 cents; in 1912, 55 cents; in 1913, 50 cents; and 1914, 51 cents. So that the price to-day—the foreign price of the imported article with which the American producers compete—is one and one-half times as high as it was at any time during the life of the Payne-Aldrich law or that it was at any time before the war began. If anyone will tell me any reason under these circumstances for increas-

ing the duty from 10 cents to 28 cents, I would like to have him give it. If anyone says the compensatory duty exists here, I will say that there was a compensatory duty also under the Payne-Aldrich law.

Mr. President, the truth is that these duties have no justification in the conditions which exist in this country to-day upon any theory of protection as advocated now or that has ever been advocated by the Republican Party. It is protection run mad, and there is no way of accounting for it except upon the theory that the Finance Committee and the Ways and Means Committee, in their hurry to bring out a bill, did not for themselves adequately investigate these important questions. Of course, a question of imposing taxes upon a people must be an important question. These tariff taxes are just as real as the internal-revenue taxes which we imposed upon the people last year. In many instances these tariff duties are much heavier, much more burdensome, than those internal-revenue taxes, and in no instance scarcely are they as much justified as were those taxes. In levying taxes upon the people, I do not care whether they are direct taxes or indirect taxes, they ought to be levied with care and consideration not only for the industry affected but for the people themselves.

Here I take it is the only excuse of the committee—and it is a sorry excuse—that they did not investigate themselves; they did not know the facts. They permitted the manufacturers and producers of these products to come before them and demand what they wanted and then take it. If there is any other excuse for it, I can not find it. Does the Republican Party claim that when there are practically no imports of an article coming into the country, and when the few imports that do come in are selling to-day one and one-half times as high as they ever sold before, that imports of that character carrying prices of that height so imperil the domestic producer as to make it necessary, in order to preserve his industry from ruin, to impose these enormous taxes upon the people?

If protection means that, then protection means what I have never understood and what the people of the country have never before understood it to mean. When the people of the country learn that this kind of protection has been accorded to the special interests of the country, most or many of them trusts, I predict that the storm which swept the Republican Party out of existence temporarily in 1912 will become a cyclone, a tornado, that will sweep that party more permanently if not more completely out of existence than did the storm of 1912.

Mr. President, I wish to offer an amendment. I move to strike out "28 cents a pound" and insert "15 per cent ad valorem."

The PRESIDING OFFICER (Mr. Capper in the chair). The amendment will be stated.

The READING CLERK. On page 27, line 24, in the committee amendment, strike out "28 cents per pound" and insert "15 per cent ad valorem," so as to read:

PAR. 73. Vermilion reds containing quicksilver, dry or ground in or mixed with oil or water, 15 per cent ad valorem.

Mr. SIMMONS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the junior Senator from Missouri [Mr. SPENCER]. I transfer that pair to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. EDGE (when his name was called). Transferring my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Connecticut [Mr. BRANDEGEE], I vote "nay."

Mr. HARRIS (when his name was called). Making the same announcement as to the transfer of my pair as heretofore, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. DIAL (when Mr. ROBINSON's name was called). Making the same announcement as to the Senator from Arkansas [Mr. ROBINSON] as on the former ballot, I desire to say that if present the Senator from Arkansas would vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from Arizona [Mr. CAMERON], which I transfer to the Senator from Tennessee [Mr. SHIELDS], and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. WATSON] to the Senator from Missouri [Mr. REED], and vote "yea."

Mr. WILLIS (when his name was called). Transferring my pair with my colleague, the senior Senator from Ohio [Mr. POMERENE], to the senior Senator from Iowa [Mr. CUMMINS], I vote "nay."

The roll call was concluded.

Mr. McKINLEY. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. HARRISON (after having voted in the affirmative). I inquire if the junior Senator from West Virginia [Mr. ELKINS] has voted?

The PRESIDING OFFICER. He has not.

Mr. HARRISON. I transfer my general pair with him to the junior Senator from Rhode Island [Mr. GERRY], and allow my vote to stand.

Mr. STANLEY (after having voted in the affirmative). I inquire if my colleague, the junior Senator from Kentucky [Mr. ERNST], has voted?

The PRESIDING OFFICER. He has not.

Mr. STANLEY. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New York [Mr. CALDER] with the Senator from Georgia [Mr. HARRIS];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 18, nays 31, as follows:

YEAS—18.

Ashurst	Harrison	Pittman	Walsh, Mass.
Borah	Heflin	Ransdell	Watson, Ga.
Dial	Hitchcock	Sheppard	Williams
Fletcher	Myers	Simmons	
Harris	Norris	Underwood	

NAYS—31.

Broussard	Johnson	McLean	Phipps
Bursum	Jones, Wash.	McNary	Poinexter
Capper	Kellogg	Moses	Smoot
Curtis	Ladd	Newberry	Sutherland
Edge	Lenroot	Nicholson	Townsend
France	Lodge	Oddie	Wadsworth
Gooding	McCumber	Page	Willis
Hale	McKinley	Pepper	

NOT VOTING—47.

Ball	Ernst	McKellar	Smith
Brandegee	Fernald	Nelson	Spencer
Calder	Frelinghuysen	New	Stanfield
Cameron	Gerry	Norbeck	Stanley
Caraway	Glass	Overman	Sterling
Colt	Harrel	Owen	Swanson
Crow	Jones, N. Mex.	Pomerene	Trammell
Culberson	Kendrick	Rawson	Walsh, Mont.
Cummins	Keyes	Reed	Warren
Dillingham	King	Robinson	Watson, Ind.
du Pont	La Follette	Shields	Weller
Elkins	McCormick	Shortridge	

So the amendment proposed by Mr. SIMMONS to the amendment of the Committee on Finance was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Finance.

The amendment was agreed to.

Mr. McCUMBER. I ask the return to page 6, where, after line 19, I move to add a new paragraph dealing with casein.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 6, after line 19, it is proposed to insert:

PAR. 17a. Casein or lactarene, 4 cents per pound.

Mr. McCUMBER. I call the attention of my colleague, the junior Senator from North Dakota [Mr. LADD], to the proposed amendment.

Mr. LADD. Mr. President, heretofore casein has been on the free list, but the time has come, it seems to me, in view of the gradual reduction in the quantity of casein produced in this country and a corresponding increase in the quantity being imported, it is necessary that it receive some degree of protection.

More than that, if we are to build up the dairy industry, then not only butter but its products need to be protected in the same manner. We have in this country 136 factories which are

producing casein. In 1920 we imported 21,238,822 pounds; in 1919 we imported 17,076,934 pounds, and our total consumption in that year was, in round numbers, 22,000,000 pounds. The consumption in this country averages between 25,000,000 and 30,000,000 pounds a year, and we produced about one-half of the casein used in this country until within the past few years, when casein has begun to be imported largely from Argentina. The casein so imported is of an inferior quality, which has to be mixed with the American casein in order to enable it to be used. The foreign casein is coming in at a considerably lower cost than that for which the American casein can be produced. Therefore it is proposed to impose a duty of 4 cents per pound on casein.

Casein is largely used as a sizing in paper; for the manufacture of glue; for the glue coating for airplanes; to some extent in soap manufacturing; for glue used in cabinetmaking; for the preparation of imitation ivory, tortoise shell, and various other commodities. Without some degree of protection against the Argentine casein our American factories will go out of existence in a few years.

There are now 17 States where casein is manufactured to a considerable extent, the two largest being New York and California. In New York the production in 1917 was 3,208,312 pounds, but in 1918, which appears to be the last year for which reports are available, the production had fallen to 1,619,116 pounds. In California in 1917 the production was 4,090,537 pounds, but in 1918 it had fallen to 2,873,391 pounds.

Before the war the price of casein was from 7 to 8 cents a pound. During the war it very rapidly increased, because of the shortage, until it reached 30 cents or more a pound. In 1921 the price had fallen back to from 12½ cents to 15 cents a pound in April of that year, which is the latest quotation I have.

In 1914 in this country we produced 8,000,000 pounds of casein. In 1920 there were less than 7,000,000 pounds produced, according to the latest record we have. The production of the casein has not kept pace with the rapidly increasing demand in this country; and with the bringing in of the casein at a much lower price and of an inferior quality from Argentina, which does not compare with the high-grade casein that formerly came in from France, our own factories are being forced to discontinue the manufacture.

This is one of the dairy products which, in connection with the manufacture of butter and of cheese, even as a by-product, along with milk sugar, should be produced in every factory in the United States where milk is worked; and sufficient to more than supply our demand would be produced with a fair degree of protection.

I do not know that it is necessary for me to say anything more in this connection.

Mr. McCUMBER. Mr. President, I should like my colleague, if he has the data, to inform us as to the number of pounds of casein that would be obtained, say, from 100 pounds of skim milk.

Mr. LADD. Usually about 3 pounds of casein from 100 pounds of milk. About 80 per cent of the total nitrogenous matter in the milk is in the form of casein, the rest being in other forms. It is made out of skim milk; it is also made from buttermilk, and some portions are made from the whey, after cheese has been made, in some factories. The amount imported in 1909 was only 2,388,008 pounds, while in 1920 it had increased to 21,238,822 pounds. Our own production has been gradually falling off.

Mr. WALSH of Massachusetts. Mr. President, this product was transferred from the free list at the request of the so-called agricultural tariff bloc. It has never before been on the dutiable list. This product is very extensively used by our manufacturing industries. Its uses are very numerous, including the manufacture of waterproof, coated paper, paints, plastics, foods, paint remover, polish, and so forth. Its chief use, however, is in coating paper, so that the paper manufacturers throughout the country are very much interested in this amendment. They are opposed to levying a duty on casein.

The evidence before us does not warrant the transfer of this product from the free list; certainly it does not warrant the imposition of the heavy duty proposed in this amendment. The imports of casein have always been less than the home production, and to-day the price of the domestic article and the imported article is substantially the same; and yet we are asked to levy a duty of 4 cents a pound upon casein when the domestic price is about 9 or 10 cents, and the imported product is selling in America for practically the same price—10 cents.

There never has been sufficient production of casein in this country to take care of the manufacturers' demand, and the manufacturing establishments in the eastern part of our coun-

try, and particularly along the Atlantic coast, have depended largely upon the importation of this product from South America. I can not understand how a duty of 4 cents a pound can be justified upon this product.

Among those opposed to this tariff duty, as I have said, are manufacturers of paper, who must use it in coating paper; and I want to read for the information of the Senate some letters which indicate the sentiment of the paper manufacturers in regard to this duty.

I read from a letter from J. A. & W. Bird & Co., paper coaters' supplies, of Boston, Mass. This letter is dated May 3, 1922, and is as follows:

BOSTON, MASS., May 3, 1922.

HON. DAVID I. WALSH,
1712 H Street NW., Washington, D. C.

DEAR SIR: We understand that there is some agitation among the farmers for a duty of 4 cents a pound to be placed on the importation of casein.

Casein, as you probably are aware, is the precipitated albumen of milk. A certain amount of this is produced by the creameries in this country, and substantial quantities are imported, principally from South America.

We are not only large handlers of American casein but also importers from other countries. It will make very little difference to us whether we obtain our supply in the United States or import it. We are always anxious to see the American farmer well taken care of and protected, but it is somewhat of a question in our minds as to whether this method is not a mistake, and one which possibly will react unfavorably upon the American farmer for the following reason:

Casein is used very largely for paper coating, and any increase in the cost of casein will increase the cost of the finished paper, which, of course, is one more straw to affect thousands of consumers throughout the country.

Casein competes with glue. If the price of casein gets too high, the coaters will use hide glue, and thus the business will be lost entirely to the American farmer and will go to the large packers who produce the largest amount of glue.

In the last three or four years there has been great difficulty in reference to prices on all commodities, and of course the price of casein has been abnormally low, casein selling as low as 6½ cents a pound. This was due very largely to the abnormal stocks of casein which were in the hands of the consumers as well as the dealers of this country and South America and everyone's desire to unload. This condition has now changed. There are no large stocks of casein on hand, and the price of casein has to-day generally stiffened to a figure which should enable the American farmers to produce in competition with South America.

Ten years ago hide glue was used almost entirely by the paper coaters, who are the largest consumers of casein. In view of the fact that they could go back to glue if the price of casein gets too high—and any such duty as is suggested would bring it into this class—for the best interest of the American farmer we would suggest going very slowly on any such imposition of duty as suggested at the present time.

Yours very truly,

J. A. & W. BIRD & CO.

I might add that it is proposed to take this product from the free list and impose a specific duty equivalent to an ad valorem duty of practically 50 per cent, because the figures that I have show that the domestic product is selling now for 9 cents and the imported product for 10 cents. Unquestionably when this duty was asked for months ago and when this rate was fixed at 4½ cents casein was selling at its very lowest price of 6½ cents. One of the chief objections to this bill is that the committee fixed their rates at the time when many of these products were at bottom prices.

The prices of the domestic product when this bill was first being considered, many months ago, were exceedingly low, because of overproduction and decreased consumption, and the duty was fixed upon information as to what was the bottom domestic and import prices of all these products rather than what is the price to-day or what the price is likely to be when we get back to normal conditions. This item illustrates splendidly the absurdity of such a practice, because at the present time both the domestic product and the imported product are competing with each other, selling at the same price, and yet we are asked to fix a duty amounting to almost 50 per cent ad valorem upon this product. This means that the manufacturers will go back to the use of glue; and that means, as was said in the letter just read, a decided advantage and benefit to the packers, from whom they will buy their glue, for when casein reaches such a price that it is not profitable to use it the coaters of paper will substitute glue, which can be used just as well and answers the purposes exactly as well as casein.

I will read a telegram on this subject from the ex-mayor of the city of Holyoke, Mass., Mr. John J. White, a paper manufacturer in that city:

[Western Union telegram.]

HOLYOKE, MASS., April 28, 1922.

HON. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Proposed duty 4 cents on casein would be extremely disastrous to the paper manufacturers and others in kindred lines.

JOHN J. WHITE.

The following letter is from the Falulah Paper Co., of my own city of Fitchburg:

HON. DAVID I. WALSH,
United States Senator, Washington, D. C.

FITCHBURG, MASS., May 2, 1922.

DEAR SENATOR: We have recently been advised that the Senate agricultural bloc are requesting the Senate Finance Committee for a duty of 4 cents on casein. Records submitted to us show that the amount of this material produced by domestic manufacturers represents only a small percentage of the amount actually consumed in this country. The inevitable result of such a duty will be an increase in the price of casein to the manufacturer.

As users of this material in the manufacture of our product, we are very much opposed to such a duty.

As Senator from this district, would appreciate your taking action against the imposition of such a duty.

Thanking you, we are,

Very respectfully yours,

FALULAH PAPER CO.,
FRANKLIN WYMAN,
Purchasing Agent.

Another letter from the United Manufacturing Co., of Springfield, Mass.:

SPRINGFIELD, MASS., March 31, 1922.

The Hon. Senator DAVID I. WALSH,
Washington, D. C.

DEAR SIR: We understand that there is an effort being made to have a duty of 4½ cents per pound put on imported casein, and we would ask that you use your influence in having the Ways and Means Committee leave the duty off casein.

As it is, United States manufacturers can only produce about 50 per cent of the quantity used, and so that a duty of 4½ cents will only mean that advance in price will benefit them at the expense of the consumers and public.

We trust you will do your best to have this material left on the free list.

Yours very truly,

THE UNITED MFG. CO.

I have an interesting letter from the Feculose Co. of America, manufacturers of feculose and sizings, of Boston, Mass. I will not take the trouble to read it; but this company requests that this amendment be approved and enacted into law, because they say it will raise the price of casein so high that the product which they make will be used as a substitute, and that casein will go out of use. They write a very strong letter urging me to support this tariff rate because it will by increasing the price of casein, diminish its use, and give them a chance to develop their product, which is a substitute for casein.

I shall not take any more of the time of the Senate upon this question. Our manufacturers must use this product, they want to use it, they are anxious to patronize and help the American farmer, but they state that the American production is less than one-half of what is needed in America, that they must import it, and they protest very vigorously against the rate of 50 per cent ad valorem—for that is what it amounts to—on this product. How will our manufacturers enjoy paying one-half as much again for this product, which is only a by-product of the creamery industry?

It indicates the fatal weakness of this bill. This bill is a bill to maintain high prices in this country. It is a bill to perpetuate the high cost of living, and all these high tariff rates on these smaller products will be reflected in the increased prices charged to the consumers of this country.

We have heard again and again in this debate an appeal for protection for the working class, we have heard appeals for the manufacturers, but we have not heard enough about the rights of the consumers of America. They have some rights, and they have a right to demand of us and of the Congress that we allow free into this country those products which can not be produced here at reasonable prices in quantities sufficient for our consumption.

It amazed me the other day to hear a Senator on this floor argue for a high protective tariff for an industry which did not produce more than 1 or 2 per cent of the demand of the consuming public. That is preposterous. I will go as far as anybody in protecting an industry which can be developed to produce a reasonable amount of the demands of the American consumers at reasonable prices, but when it comes to putting high rates of duty on articles in order to protect industries that can not take care of our consumption it means simply that we are proceeding to extort for the benefit of a few from the great consuming public.

This case is a repetition of many other cases we have had before us in the discussion of this tariff bill. Here is a jump from the free list overnight to what amounts to a 50 per cent ad valorem. How can we justify it? Yesterday we had a similar case before us, a commodity taken from the free list and a 40 per cent ad valorem levied. I should think at least we would commence with a reasonable rate, about 10 or 15 per cent ad valorem, on commodities of this kind that have heretofore been on the free list.

But I suppose the die is cast. The agricultural bloc have demanded it, and that is enough to put it in the bill. It is part of

the contract. This is a bill which has been made up from beginning to end of tariff duties levied at the request of blocs and cliques and special interests, those who are in influence and power here, without any defined policy, without any underlying theory. Every principle of Republican protection to infant industries, based upon the capacity eventually to produce sufficiently for the American consuming public, has been abandoned.

I ask that the amendment be defeated, and if I am correct the defeat of the amendment will retain this product upon the free list. At the proper time I will ask that a record vote be taken and that the amendment be rejected.

Mr. McCUMBER. Mr. President, I want to read a part of one paragraph from the report of the Tariff Commission. They say:

In 1914 over 18,000,000 pounds of casein were produced here, valued at about \$1,000,000; and, in addition, about 11,000,000 pounds were imported, valued at about \$700,000. The total consumption in 1914 was therefore about 30,000,000 pounds, valued at about \$2,000,000. Since that time, however, the domestic production has decreased until at present only about one-half the consumption is supplied here. An increased production of evaporated and condensed milk stimulated by the war has decreased the available supply of skimmed milk to the casein manufacturer. The advance in the price of corn and other products required in feeding hogs resulted in an increased use of skimmed milk for that purpose.

I call especial attention to this last phrase:

The advance in the price of corn and other products required in feeding hogs resulted in an increased use of skimmed milk for that purpose.

What advance in the price of corn? Only last winter we were reading in our papers of farmers using corn for fuel because it was so cheap that it was advantageous to use it instead of coal or wood. At the same time undoubtedly many of the farmers who took their milk to the creameries or to the cheese factories were wasting the whey and the sour milk and the skimmed milk. I could not state how many million pounds were being wasted yearly as we have no report upon that, but I am inclined to think that if the farmer could have gotten something out of his skimmed milk by selling it for a certain price to the cheese factories or to the butter factories, he could have fed his corn to the pigs instead of feeding milk to them and burning his corn for fuel.

The conditions of our farmers throughout the Northwest are such that we believe if there is any possible way we can help them to secure a good price for their by-products so that they can utilize that by-product for some value, we had better do it. That is why we took casein from the free list and gave it a duty of 4 cents per pound.

This report further says:

This shortage was reflected in the increased price of skimmed milk. The shortage and high-wage demands of farm labor, as well as increased freight rates, had a further tendency to decrease the available supply of raw material.

In other words, the great increase in the cost of farm labor made it so that the farmer could not afford, with the present price of casein, to further consider that profit at all. This duty is placed upon it in the hope that, with this increased cost of labor, he may resume what he has done before, follow the practice of selling the sour milk and the skimmed milk and the whey to the manufacturer of cheese with the idea of getting a little something as a by-product of his main product.

Mr. LODGE. Mr. President, my colleague read and had inserted in the Record a letter from J. A. & W. Bird & Co., which I was about to read myself; so it need not be read again. But in that letter it will be noticed that the writer states:

There are no large stocks of casein on hand, and the price of casein has to-day generally stiffened to a figure which would enable the American farmers to produce in competition with South America.

He also read a letter from the Feculose Co. of America, where they take a different view, having different interests, and that letter I ask to have printed at the close of my remarks. (See Appendix.)

I only desire to say that it is as stated in the letter which I read and which was read by my colleague, that if casein receives this duty of 4 cents the result will be to drive all the paper coating, for which casein is principally used, to hide glue. Therefore, the manufacturer is in no danger; the user is in no danger; he can resort to hide glue.

My own belief is that the best thing for the manufacturer, as well as the best thing for the farmer, would be to develop in this country, if we could, the largest possible production of casein. All these manufacturers want to use casein. They can import it now. They can import it even under the duty, but both these writers say very frankly that they should be glad to have the American product. I believe the American industry can be encouraged. Casein is largely a by-product, and they can use the whey, the skimmed milk, and other portions of the milk which would otherwise be thrown away. They can use

them to great advantage, and it seems to me it is an industry which ought to be cultivated and helped for the benefit of the consumer. The consumers of this article are not the average man and woman of the United States. It is not an edible. They are the people who use it for paper coating, and I am very firmly of the opinion that it will be for their benefit in the long run to have American casein developed.

I have given this matter some careful consideration, because there are manufacturers who think it is to their immediate benefit to get it as cheaply as possible from another country. I believe it is for their greater benefit in the long run—and it is used exclusively by manufacturers, I think—to have the American industry, developed by American competition, rather than leave the duty as it is, destroy the American industry, and force them back to the use of hide glue. I do not believe that should occur, and for that reason I shall support the duty on casein.

APPENDIX.

BOSTON, MASS., April 20, 1922.

HON. HENRY CABOT LODGE,
Member of Congress, Washington, D. C.

DEAR SIR: We send you herewith a copy of a letter which we have sent to the Finance Committee of the United States Senate covering the matter of duty on casein.

If our plant could get the encouragement of a reasonable advance on the tariff, so that the casein prices could be advanced 2 or 3 cents per pound, we believe that it would pay us to make a determined effort to get the business of the American paper coaters.

We had that business during the casein shortage several years ago, and at that time casein went up to 18 cents to 19 cents per pound. Then the conditions changed after the end of the war, and the price of casein was reduced so that they could undersell our product, and it has never advanced sufficiently to enable us to compete successfully.

Therefore there has not been any inducement for us to spend the money necessary to educate the American paper coater, who positively can use feculose for 80 per cent to 90 per cent of his entire production.

We are asking Mr. John Traquair, who is one of the leading chemists in this country along the line of surfacing sizing of paper, to write you a letter covering that point.

Trusting that we may have your assistance, we remain,

Very truly yours,

FECULOSE CO. OF AMERICA.
HERALD N. PAXTON, Treasurer.

P. S.: There are about 20,000,000 pounds of size used in the coating business in this country per annum when the mills are running full.

FECULOSE CO. OF AMERICA.

APRIL 6, 1922.

FINANCE COMMITTEE OF THE UNITED STATES SENATE.

Washington, D. C.

GENTLEMEN: We understand that the importers of casein are objecting to any tariff on casein on the grounds that it is absolutely essential to industries in this country, particularly the paper-coating industry, and they claim that paper can not be coated successfully without it.

We beg to inform you that we do not believe that this point of view is altogether correct. The writer has been connected with the sale of products to the paper coaters for over 25 years, and during that period there have been four or five shortages in the world's supply of casein, so that it was impossible to obtain enough of it for the various uses for which it is adapted.

The last shortage was in 1915, 1916, and 1917, and during that period many products made from starches were put on the market to do the work of coating paper. A number of these products were successful and a number of them were not. The shortage of casein forced a hurried attempt on the part of some manufacturers to make a substitute for it, but, owing to the lack of time and their ignorance of the subject, they were not successful.

However, there were some who were successful, and this company put on the market *Feculose*, which is made from cornstarch and which was entirely successful. Numbers of millions of pounds of it were sold to coaters, and the paper went into consumption to the satisfaction of the ultimate consumers.

We will admit that for certain lithographic uses casein has certain advantages, but that use is a very small portion of all the paper that is coated; we estimate it to be not over 10 per cent. The bulk of the coated paper is used for magazines, catalogues, illustrations, and fine printing in general. For that purpose *feculose*-coated paper is perfectly satisfactory.

Therefore we wish to state that paper coaters of this country can, if they choose, use products made in this country from raw material produced in this country and give employment to American manufacturers and American labor. We do not quite see why we should foster the production of casein in South America or in other parts of the world and neglect our own interests.

Should this company get a reasonable amount of protection, it could easily increase its production to suit the requirements of this market, and furthermore enable consumers of the coated paper to purchase it on the average for less money than they are paying for the paper coated with casein.

We have hesitated to start any campaign of education among the consumers here owing to the lack of protection our industry has had. We should be very glad, indeed, to get some further information from paper coaters, if it is necessary to do so.

Trusting that you will give our side of the case consideration, we remain,

Very truly yours,

FECULOSE CO. OF AMERICA.
HERALD N. PAXTON, Treasurer.

• Mr. WALSH of Massachusetts. I ask for the yeas and nays.
The yeas and nays were ordered.

Mr. WALSH of Massachusetts. I ask that the Secretary state the amendment.

The ASSISTANT SECRETARY. On page 6, after line 19, insert a new paragraph, as follows:

PAR. 17a. Casein or lactarene, 4 cents per pound.

The Assistant Secretary proceeded to call the roll.

Mr. GLASS (when his name was called). Making the same announcement as on the previous vote as to my pair and transfer, I vote "nay."

Mr. HARRIS (when his name was called). I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from South Dakota [Mr. NORBECK] and vote "yea."

Mr. WATSON of Georgia (when his name was called). I transfer my pair with the junior Senator from Arizona [Mr. CAMERON] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. WILLIS (when his name was called). I am paired for the week with my colleague, the senior Senator from Ohio [Mr. POMERENE]. Being unable to obtain a transfer, I am compelled to withhold my vote.

Mr. MCKINLEY. I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "yea."

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the junior Senator from Delaware [Mr. DU PONT] and vote "yea."

Mr. FRELINGHUYSEN (after having voted in the affirmative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Pennsylvania [Mr. CROW] and allow my vote to stand.

Mr. DIAL. I have a general pair with the Senator from Missouri [Mr. SPENCER], which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

While I am on my feet I wish to announce that the Senator from Arkansas [Mr. ROBINSON] has a general pair with the Senator from West Virginia [Mr. SUTHERLAND].

Mr. STANLEY (after having voted in the negative). Has my colleague [Mr. ERNST] voted?

The PRESIDING OFFICER. He has not voted.

Mr. STANLEY. I have a pair with my colleague. Being unable to obtain a transfer, I withdraw my vote.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 34, nays 18, as follows:

YEAS—34.

Ball	Kellogg	Moses	Poindexter
Brandagee	Kendrick	Nelson	Rawson
Bursum	Ladd	Newberry	Sterling
Capper	La Follette	Nicholson	Sutherland
Curtis	Lodge	Norris	Townsend
Frelinghuysen	McCumber	Oddie	Wadsworth
Gooding	McKinley	Page	Warren
Johnson	McLean	Pepper	
Jones, Wash.	McNary	Phipps	

NAYS—18.

Ashurst	Harris	Overman	Underwood
Dial	Hefflin	Russell	Walsh, Mass.
Fletcher	Hitchcock	Sheppard	Watson, Ga.
Glass	Keyes	Shields	
Hale	Myers	Simmons	

NOT VOTING—44.

Borah	Edge	McCormick	Smoot
Broussard	Elkins	McKellar	Spencer
Calder	Ernst	New	Stanfield
Cameron	Fernald	Norbeck	Stanley
Caraway	France	Owen	Swanson
Colt	Gerry	Pittman	Trammell
Crow	Harreld	Pomerene	Walsh, Mont.
Culbertson	Harrison	Reed	Watson, Ind.
Cummins	Jones, N. Mex.	Robinson	Weller
Dillingham	King	Shortridge	Williams
du Pont	Lenroot	Smith	Willis

So the committee amendment was agreed to.

Mr. McCUMBER. Mr. President, I ask that we return to paragraph 62, on page 25, where I offer as a substitute for the committee amendment in line 25, after the numerals "25," to insert "not specially provided for," so as to read "or other forms not specially provided for, 30 per cent ad valorem."

The PRESIDING OFFICER. The amendment will be stated. The ASSISTANT SECRETARY. On page 25, line 25, after the words "other forms," insert the words "not specially provided for," so as to read:

PAR. 62. Paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, not otherwise provided for, 30 per cent ad valorem.

Mr. SIMMONS. I wish to say to the Senator from North Dakota that my understanding is that the junior Senator from Utah [Mr. KING] desired that this paragraph should go over so that he might discuss it in connection with paragraph 26, as it relates to that paragraph.

Mr. McCUMBER. I will say to the Senator from North Carolina that after this amendment is agreed to I am going to ask that the Senate disagree to the balance of the amendment on line 25, page 25, and lines 1, 2, and 3, page 26, which will eliminate all of that matter.

Mr. SIMMONS. All relating to coal-tar dyes?

Mr. McCUMBER. Yes.

Mr. SIMMONS. Very well. I think it was for that reason the Senator from Utah desired to discuss the matter.

Mr. McCUMBER. That eliminates it; and the only question will be upon the difference between 25 and 30 per cent ad valorem.

Mr. UNDERWOOD. The purpose of the Senator's amendment is to eliminate from these products any articles that have coal-tar dye in them?

Mr. McCUMBER. Yes. This would put them all under paragraph 26, but I wish to eliminate that, at least for the present, because as to some of the articles it is a question whether they are toys or what they are. That question may arise in the future, and I want to eliminate it from this paragraph.

Mr. UNDERWOOD. I am not prepared to discuss the subject now. Of course, we shall have the opportunity hereafter. Therefore, I do not desire to delay the Senator, because after the committee amendments are settled we can come back to this item. Of course, when you put a not specially provided for clause behind a tax bill it means that you are throwing the substance to some other tax, and, of course, if you are throwing it into the coal-tar tax you are throwing it into a very high classification. You make no limit on it. If there is any coal-tar dye in it at all you throw it all in the other paragraph. As a general rule, when a not specially provided for limitation is put in a tax it usually goes where the commodity of greatest value in the substance is found. For instance, if the greatest value in the paint is a coal-tar dye, then you might have some justification for throwing it in there, but as I understand the Senator, the way he proposes to throw it, if there is any coal-tar dye in it, it is thrown into a higher classification. I am not prepared to discuss it, because it will require some degree of thought and consideration.

Mr. McCUMBER. I will state generally now that under paragraph 62 it will be observed that we have paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms. There is a serious question as to what constitutes artists' colors and what may be the little colors that are also made out of coal-tar products, which have heretofore been denominated toys, and have come under the toy paragraph. I want to eliminate those at least from this paragraph, and when we get to the toy paragraph we can then consider, first, whether they should go under the toy paragraph; and, secondly, if they do, what duty should be placed upon them. But that would eliminate them from this paragraph.

Mr. UNDERWOOD. When you put an n. s. p. f. behind a tax it means something. I am not raising any question with the Senator now, because I do not know where he is leading to. I know it is leading somewhere, but what the effect is going to be I do not know. So far as I am concerned I am not going to make any further resistance to the Senator's motion, but if it goes through without my resistance, I do not want it understood that I am committing myself to any such proposition until I have looked into it.

Mr. McCUMBER. I will say to the Senator that he will have full opportunity to consider what we want to consider, and that is where and what rate of duty we should place upon those articles which have heretofore, until a very late decision, come under the general paragraph of toys. They are not artists' paints, because artists do not use them, and they do not belong, therefore, in a paragraph which deals with artists' paints and

supplies, wherever else we may put them and whatever duty may be considered adequate.

Mr. SIMMONS. Will the Senator please read again what he proposes to have inserted between the word "forms" and the numerals "30" in line 25 on page 25?

Mr. McCUMBER. The House gives 25 per cent ad valorem on the American value. This would be 30 per cent upon the foreign value, which would be somewhat lower.

Mr. SIMMONS. Mr. President, the Senator misunderstood my question. I asked the Senator what was the language that he proposed to insert between the word "forms" and the figures "25."

Mr. McCUMBER. I propose to insert the words "not otherwise specially provided for."

Mr. SIMMONS. Now, let me ask the Senator this question: If that amendment be adopted, would it not accomplish exactly the same purpose as the adoption of the proviso which the Senator proposes to strike out?

Mr. McCUMBER. I am going to ask that the proviso be disagreed to.

Mr. SIMMONS. But I say, if the proviso is disagreed to and this amendment shall be made will not the amendment accomplish the same purpose which the proviso would accomplish?

Mr. McCUMBER. No; because there are some classes of these paints, as I have explained, as to which there is serious question where they belong and how we may make the division, where the line of demarcation is between those which are generally denominated as artists' supplies and those which have heretofore come in as toys.

Mr. SMOOT. If the Senator will turn to paragraph 26, page 14, line 11, of the bill, he will see that it reads:

That any article or product which is within the terms of paragraphs 1, 5, 35, 37, 56, 63, 79, or 1578—

Paragraph 62, which we are now considering, is not included in that list, nor do we intend to offer an amendment to paragraph 26. If it were included there, then, of course, the article would fall under paragraph 26.

Mr. SIMMONS. I wish to say very frankly to the senior Senator from Utah that I had as soon take this matter up now as at any other time; but I wish to ask him if he does not think his colleague, the junior Senator from Utah [Mr. KING], desired it to go over because it had some connection with dyestuffs, and he desired to discuss it in connection with that subject? I am only asking this because of what I suppose might be the wishes of the Senator's colleague. It may be that when the Senator's colleague returns he will not care anything about it.

Mr. SMOOT. The amendment that is now pending has nothing whatever to do with the coal-tar products, because of the fact, as the Senator from North Dakota has stated, that the committee will ask that the proviso be disagreed to. My colleague asks that paragraph 62 go over because of that amendment, as it particularly referred to paragraph 26.

Mr. SIMMONS. Will the Senator from Utah or the Senator from North Dakota in charge of the bill agree that if, when the junior Senator from Utah returns to the Chamber, he desires that this paragraph may be reconsidered, that action will be taken?

Mr. SMOOT. I see no objection to that.

Mr. SIMMONS. Very well, with that understanding I am willing that the paragraph shall be considered.

Mr. McCUMBER. If it is desired that the paragraph referred to by the Senator from North Carolina may be reconsidered, I shall have no objection.

Mr. SIMMONS. Very well.

Mr. SMOOT. Mr. President, I do not think there is anything else that I desire to say in reference to this matter. Unless the Senator from North Carolina [Mr. SIMMONS] desires to ask a question, we are ready for a vote upon the amendment.

Mr. SIMMONS. Mr. President, there seems to be very little information in reference to this item, but the Senate Finance Committee has reported to increase the rate as fixed in the House bill from 25 per cent to 30 per cent. The rate of the Payne-Aldrich law was 30 per cent; that of the present law is 20 per cent. It does not seem to be an important matter, but I should be very glad to have the Senator in charge of the paragraph indicate why it is necessary to impose this high duty, which is 50 per cent higher than the present law. There do not seem to have been any considerable importations. For the last nine months there were imported only about 143,000 pounds. There does not seem to be any great flood of importations.

Mr. SMOOT. The basket clause in this schedule, as the Senator knows, proposes a duty on all pigments and salts of 25 per cent; but artists' paints are the very highest class of manufactured paints; they are made from the very finest products. The

work involved in their production is sometimes four or five times as great as in the manufacture of pigments that go into ordinary paints, and they are put up in small packages. The difference of 5 per cent is to cover the additional cost of their manufacture.

Mr. SIMMONS. Mr. President, I understood either the Senator from Utah or the Senator from North Dakota to say a little while ago that these paints are used very largely in the making of the crude pictures on toys.

Mr. SMOOT. Oh, no.

Mr. McCUMBER. The Senator from North Carolina misunderstood me.

Mr. SMOOT. That is the item that it is desired to take out of the paragraph. It includes the little crayons which the school child uses at school for coloring pictures of rabbits or lions or houses or anything that the drawing teacher may ask him to color.

Mr. SIMMONS. Will the Senator tell me what is the foreign selling price?

Mr. SMOOT. It is impossible to tell that to the Senator. We could get the average unit value of the importations, but they are not classified as to whether they are paints or colors or whether they are in tubes or pans or cakes.

Mr. SIMMONS. The document I have only gives the figures for one year, but it shows that in 1919 the foreign price, which was the landing price with the duty added without any importer's profit, was \$1.03 a pound.

Mr. SMOOT. The Senator knows that was a very high price for paint.

Mr. SIMMONS. That seems to be a pretty high price for paint, but is the foreign selling price, and, if the foreign price is \$1.03 a pound, it does not seem to me that the domestic product is endangered in competing with that price. That is the point I am making.

Mr. SMOOT. The Senator is mistaken, because of all the paints made the finest and most costly of all fall in this paragraph. They are only used by artists.

Mr. SIMMONS. Does the Senator contend that, in the face of the facts found by the Tariff Commission, the paints that are coming into this country and being sold in competition with those produced in this country are being brought in at sacrifice prices or cheap prices when they are selling for \$1.03 a pound without any profit added to the importer?

Mr. SMOOT. No; I do not claim that; but I do claim that there are artists in the United States who will not be contented unless they have the French artist paints, no matter what the price may be.

Mr. SIMMONS. And the Senator does not want them to have it?

Mr. SMOOT. That is not what I said. I was speaking of what the artists wanted; they will have the foreign paints, and this rate of 30 per cent is not going to keep it away from them.

Mr. SIMMONS. Is it the Senator's idea not to let the artists have the foreign article by imposing a duty so high that they probably can not afford to buy it?

Mr. SMOOT. No; that is not the object of the committee, nor will that be the effect of the rate proposed.

Mr. SIMMONS. In view of the fact that there are scarcely any imports coming in and the foreign price is very high as compared with the domestic price—

Mr. SMOOT. Oh, no.

Mr. SIMMONS. Why does the Senator want to impose this high rate?

Mr. SMOOT. I think I have told the Senator all that it is necessary to tell him. The rate on all pigments, salts, and compounds in the basket clause has been fixed at 25 per cent ad valorem throughout the bill.

Mr. President, the paints now under discussion are the very finest quality known in the world. They are used in small quantities and for special purposes, and the 30 per cent duty is for the very purpose of giving protection to the industry which produces them in this country.

Mr. SIMMONS. Mr. President, if the Senator should say that the duty is imposed because it is desired to make the painters of this country buy the domestic product, I could understand that; but what I am trying to get the Senator to tell me is upon what principle of protection he bases this duty. Does he claim that the foreign article is selling in this country for less than the domestic article and that the price of the foreign article must be raised up to the domestic price so as to bring about conditions of equality in competition? Does he claim that the cost of production abroad is so much less than it is here that the American producer must have a tariff? Upon what tariff principle has this rate been fixed? It is a very high rate; 30 per cent is nearly one-third the actual value of the product; that product is being given an artificial

value of nearly one-third by reason of that duty, and the American people will have to pay that artificial inflation in price. We ought, therefore, to know upon what principle of tariff duty is levied. The Senator said a little while ago that \$1.03 a pound was a very high price for paints.

Mr. SMOOT. It is, compared with ordinary pigments.

Mr. SIMMONS. Yes; it is a very high price; these are high-priced paints; but I want to ask the Senator if he contends that \$1.03 a pound landed costs, with nothing added but the duty, is a high or a low price as compared with the price of the American product?

Mr. SMOOT. It is lower than the American price and lower than cost for which the American producers can make the comparable article.

Mr. SIMMONS. Can the Senator tell me what the American price is without the profits? The foreign price quoted is without the jobbers' profits and without the wholesalers' profits. The American price with the wholesalers' profit added is higher than the foreign price, but the Senator should eliminate from both the American product and the foreign product the wholesalers' profit, because the foreign price has nothing in it except landing cost and the duty, no importers' profit, no jobbers' profit, no wholesalers' profits, but only the manufacturers' profit, and that alone.

Mr. SMOOT. If under this paragraph there was only one commodity the figures, of course, would show that the unit value of that one commodity was \$1.03, and then, if we made only one article to compete with it in the United States, and we knew the price of that article in the United States I could answer the Senator's question; but the average price of \$1.03 is not computed from one commodity alone but from a number of them falling under this paragraph, whether in tubes, or in pans, or in cakes, or in any other form. So no one can say how much of each of the various article was imported under the rate named by the Senator. Therefore I can not tell the Senator what the price of any particular commodity would be. It would be impossible.

Mr. SIMMONS. Mr. President, if the Senator can not tell me what is the difference between the cost of production here and abroad, if he can not tell me what is the difference between the price in this market of the domestic article and of the foreign article, then it does not seem to me that the Senator was in possession of sufficient information to enable him to fix this rate.

Mr. SMOOT. The Senator was in possession of the information that on ordinary, common pigments, made in immense quantities in the United States, the difference was 25 per cent, and they carried a rate of 25 per cent. These, as I have already said, are the very finest of paints, and the Senator knows that it takes more labor to make them than it takes to make the ordinary, common pigments and paints, and that 5 per cent above the 25 per cent is no more than necessary to make the differential between the coarse, ordinary pigments and the fine artists' paints. There is not any doubt about that.

Mr. SIMMONS. Mr. President, the Senator has told us before that this was not ordinary paint. He said that this was extraordinary paint; that this was the highest class of paint.

Mr. SMOOT. That is what I say now.

Mr. SIMMONS. Of course, the Senator, in making his duties, is not going to compare this extraordinary, fine, fancy paint with these common paints that I can take a brush and put on a wall as well, perhaps, as anybody else.

Mr. SMOOT. If I did, the duty would be 25 per cent ad valorem; but if I am going to compare the finer ones, then there is that differential of 5 per cent and that is all, and that is the difference between 25 and 30 per cent.

Mr. SIMMONS. But with reference to this particular article, the Senator is not in a position to tell the Senate what is the difference between the cost of production here and the cost of production abroad, and what is the difference between the price of the domestic article and the price of the foreign article in this market.

Mr. SMOOT. I will say to the Senator that there is not one particular article. That is the average price of all the importations of the numerous articles.

Mr. SIMMONS. Mr. President, I desire to offer an amendment. In line 25, page 25, I move to strike out "30" and insert in lieu thereof "20."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 25, line 25, in lieu of the sum proposed to be inserted by the committee, "30," it is proposed to insert "20," so as to read:

Paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 20 per cent ad valorem—

And so forth.

Mr. WATSON of Georgia addressed the Senate. After having spoken for some time,

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. WATSON of Georgia. I yield.

Mr. WILLIS. The Senator knows how much I dislike to interrupt him, because I enjoy particularly his historic discourses, but I must leave the Chamber in a few minutes to be gone for a number of days, and there are two items in the bill which I think can be voted on in a few minutes. Will the Senator permit us to vote on them?

Mr. WATSON of Georgia. That will be perfectly agreeable to me.

Mr. WILLIS. I ask for a vote on the amendment on page 25, line 25.

Mr. SIMMONS. I ask that the Secretary may state the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 25, line 25, the committee proposed to strike out "25" and to insert the words "and not specially provided for, 30." It is now proposed to strike out "30," proposed to be inserted by the committee, and to insert "20," so that, if amended, it will read:

Paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, and not specially provided for, 20 per cent ad valorem.

Mr. SIMMONS. Mr. President, I shall not ask for a ye-and-nay vote on this amendment, because I know what the result of a ye-and-nay vote would probably be, and I do not ask it more particularly because I know the Senator from Ohio is very anxious to have the matter acted upon expeditiously.

Mr. SMOOT. I ask that the amendment to the amendment be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment.

Mr. SMOOT. At the end of paragraph 62, on line 25, page 25, the committee proposed to amend by adding a proviso as follows:

Provided, That any of the foregoing articles which are composed in chief value of coal-tar dyes or colors shall be classified for duty under paragraph 26.

I ask that that amendment be disagreed to.

The amendment was rejected.

Mr. SMOOT. Now, I would like to turn to paragraph 82, on page 30, where, in the paragraph providing for strontium, the committee proposed to strike out "25" and to insert "50." I ask that that amendment be disagreed to, so that the rate will be 25 per cent ad valorem.

Mr. WILLIS. In order to simplify the matter, I will withdraw the amendment I offered to that paragraph.

Mr. SIMMONS. What is the amendment offered by the committee?

Mr. SMOOT. The committee asks that the House figure, "25," be stricken out and that the rate be made 50 per cent ad valorem. I now ask that that amendment be disagreed to, so that it will leave it 25 per cent, just as the House fixed it.

Mr. SIMMONS. Of course, I am not going to object to the committee cutting in two the rate it has placed upon this particular item, but I would like to know what light has come to the committee since it put this duty of 50 per cent on, which it now desires changed to 25 per cent.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as modified.

Mr. SIMMONS. I have asked for some information from the Senator in charge of the bill. This is a very remarkable situation. The committee, after a few months' deliberation, decided to raise the duty as adopted by the House from 25 per cent to 50 per cent. Now they want to cut their own rate down from 50 to 25 per cent, and I ask the Senator from Utah what new situation has developed, what new information he has, which influences him to want to make that change, and why, if the House rate is correct, they doubled it?

Mr. SMOOT. The rate was changed to 50 per cent on the foreign valuation, as against 25 per cent on the American valuation. In the Reynolds report the Senator will find that that does not justify the difference between the 25 and the 50, even as it is shown in that report. Again, the committee had already

recommended 40 per cent instead of 50, and with the importations as I stated, and it being virtually controlled by one corporation, the committee thought they could get along with 25 per cent. Therefore they ask that the Senate disagree to the committee amendment.

Mr. SIMMONS. Does the Senator mean the committee found that a trust had charge of this thing?

Mr. SMOOT. No; I did not say that. They have not. There are four concerns in the United States, but, as I said on the floor of the Senate the other day, most of it is made by the Du Pont Co.

Mr. SIMMONS. Then this doubling of the House rate was not because it was ascertained that the cost of production here and abroad, or the difference in the selling price of the domestic and foreign article in the American market, would justify a 50 per cent rate?

Mr. SMOOT. The Reynolds report showed that it would take at least 60 to 100 per cent at the time the Reynolds report was made, but the price has declined not only in Europe but also in this country, and under the rates existing to-day, this product being made as it is, the committee decided that it should carry only the 25 per cent.

Mr. SIMMONS. The moderation of the Senator amazes me to such an extent that I am almost persuaded not to make any further disturbance about it.

Mr. SMOOT. The Senator can make all the disturbance he desires.

Mr. SIMMONS. It was reported that 60 per cent would not have been too much of a duty; but, notwithstanding that, the Senator is willing to cut the 50 per cent duty in half. I am glad to know there is one item in the bill as to which the Senator is satisfied with a duty he thinks is less than is necessary. I must imagine that some influence on the other side of the Chamber—it may be coming from the junior Senator from Ohio [Mr. WILLIS], who shows great solicitude about this particular item—has prevailed upon the Senator from Utah and his colleagues to be moderate and considerate of the taxpayers of the country.

Mr. SMOOT. I want the Senator to know that this is not the only rate that would be cut if I had my way.

Mr. SIMMONS. The Senator says if he had his way he would cut all the balance of them?

Mr. SMOOT. I did not say any such thing.

The VICE PRESIDENT. The question is on agreeing to the committee amendment on page 30, line 8.

The amendment was rejected.

Mr. WILLIS. I want to ask my friend from Georgia to yield just a moment longer, in order that I may express to the Senator from Georgia, the Senator from North Carolina, and the members of the committee in charge of the bill my very great appreciation of their exceedingly great courtesy in this matter.

Mr. WATSON of Georgia resumed and concluded his speech, which is entire as follows:

THE RUSSIAN SITUATION.

Mr. WATSON of Georgia. Mr. President, in this afternoon's News, on the last page, at the bottom of the second column, I find this feature article:

SENATE WARNED—MUST KEEP HANDS OFF IN RUSSIAN POLICY IS INTIMATED.

The administration desires the Senate to keep its hands off the question of Russian recognition, according to intimations conveyed to Senators to-day.

For this reason Senator BORAH's resolution putting the Senate on record as favoring recognition of the soviet government will either be rejected, or action on it will be blocked, Republican leaders indicated.

Mr. President, I happened to be looking over a collection of the speeches of Daniel Webster this afternoon, and I was interested to find on page 60 of Volume V of this particular collection, dedicated to Mrs. Caroline Le Roy Webster, the wife of the great statesman, the following resolution offered by Mr. Webster in the other House, of which he was then a Member:

Resolved, That provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner to Greece whenever the President shall deem it expedient to make such appointment.

That is the end of the resolution. The comment on it by the editor of this edition of the speeches is as follows:

These, it is believed, are the first official expressions favorable to the independence of Greece uttered by any of the Governments of Christendom, and no doubt contributed powerfully toward the creation of that feeling throughout the civilized world which eventually led to the Battle of Navarino and the liberation of a portion of Greece from the Turkish yoke.

The House of Representatives having, on the 19th of January, resolved itself into a Committee of the Whole and this resolution being taken into consideration, Mr. Webster spoke to the following effect—

Then follows the speech delivered on the 19th day of January, 1824. The trend of the speech—and it is a very noble oration, apparently prepared with care—is all in favor of the recognition of the success of the revolution in Greece. I wish I had time to read it. It would be a splendid contribution to the literature of the discussion concerning the Russian situation. Mr. Webster was not admonished by President Monroe to let alone the matter of the recognition of a revolutionary government.

In the life of James Monroe, by Gilman, on page 160, I find that the President makes a grateful reference to the friendship which had always been shown by the Russian people to those of America.

On page 190, the President in his message referred to the South American States which were in rebellion against the King of Spain, and the President said:

Recent events have made it manifest that the colonies not only possess independence but are certain to retain it, and that the recognition of their independence by us should now be made; that it can not be regarded by Spain as improper, and may help shorten the struggle.

Mr. President, our Government is the only one that still maintains the fiction of the existence of the Kerensky government in Russia. That government sent to ours an ambassador, Bakmeteff; he is still recognized as the ambassador of a government notoriously extinct; and our Government throws around this man, who is accused of having embezzled for his own purpose about \$80,000,000 of American money, all the immunities of an ambassador.

Mr. President, there is not another government on earth that recognizes an ambassador sent by Kerensky. Ours is the only one that does it. Naturally, the question arises, Why do we do it? England does not do it. France does not do it. No other government on earth does it.

Mr. President, there has been a de facto government in Russia for more than four years. That government has its armies, its civil administration, its courts, its system of finance, its factories going, a complete machinery of modern civilization, yet we decline to recognize it.

When in 1910 there was a revolution in Portugal, following the assassination of a king, the Taft administration, without very much delay, recognized the new Republic.

If you compare the policy of this administration with that of President Washington in dealing with revolutionary France, you will be amazed at the difference. You will naturally have some curiosity to know what is the reason for this.

I have made a note of some of the events of the French Revolution, giving the dates.

In October, 1789, the great mob of women went out to the palace of Versailles, took the king a prisoner, and carried him into Paris. He never again returned to the great palace of Versailles.

In September, 1791, the national assembly adopted a constitution.

On August 10, 1792, the women of Marseille and the great mob of Paris marched upon the Tuileries, where the king had been lodged, stormed it, massacred the Swiss, and drove the king out of that palace into the hall where the assembly was sitting, from which hall he went to a prison, and from that prison went to the guillotine, he and his queen. This happened in December, 1792.

The French massacred the prisoners who were in jail, 1,089 of them, men and women, 30 of them being Roman Catholic priests.

The French confiscated the land both of the nobles and of the church.

Mr. President, the Russians did not massacre any prisoners. They did not massacre any priests. They went no further in confiscating property than the French did. That confiscated property of the church was never restored. Only in part was the property of the nobles returned, and that was done by Napoleon Bonaparte. He found that certain portions of that property, mostly those great old ancestral chateaus, had not been disposed of; and when he brought back to their homes those nobles who had gone into voluntary exile at the beginning of the revolution, he restored these family seats to those returned emigrés; and that accounts for the fact that so many of them now are in possession of the homes that were those of their ancestors a thousand or more years ago.

I find in this volume of the Messages and Papers of the Presidents, covering the period from 1789 to 1817, that President Washington was dealing with this Government the whole time. Never once did he sever relations with the French. Gouverneur Morris stayed there as our minister.

UNITED STATES, March 5, 1792.

Gentlemen of the Senate and of the House of Representatives:

Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a letter which I have received

from His Most Christian Majesty, announcing to the United States of America his acceptance of the constitution presented to him by his nation.

At that time the king was virtually a prisoner. He tested it by an attempt to escape in the direction of Varennes. He was pursued, overtaken, and brought back.

Here is a message on March 18, 1794:

Gentlemen of the Senate and of the House of Representatives:

The minister plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

GEORGE WASHINGTON.

So you see, Mr. President, Washington had not only recognized the French Republic, whose garments dripped with blood, but he put up to Congress in a respectful way an application for a loan.

Here is the letter in reference to the French minister, Genet:

UNITED STATES, January 20, 1794.

Gentlemen of the Senate and of the House of Representatives:

Having already laid before you a letter of the 16th of August, 1793, from the Secretary of State to our minister at Paris, stating the conduct and urging the recall of the minister plenipotentiary of the Republic of France, I now communicate to you that his conduct has been unequivocally disapproved and that the strongest assurances have been given that his recall should be expedited without delay.

This letter which refers to Genet, who came over here as the minister of the French revolutionary government, and who made indiscreet speeches from the time he landed at Charleston until he got to Philadelphia, where the capital then was. Washington asked his recall of this revolutionary government, and he was dismissed.

Mr. President, before proceeding to say anything about the system of land ownership in Russia, I am reminded that according to the newspapers Lord Northcliffe praised the policy of this administration in not giving recognition to the soviet government. Lord Northcliffe owns 28 of the leading daily papers of this country, and he has by some means secured control of the foreign policy of the Saturday Evening Post. An investigation was made some time ago as to the ownership of all the leading daily papers in this country, and it is stated that, almost without exception, there is an English representative on the staff of every one of those papers. Therefore it seems we may be in danger of becoming English colonies again and having our foreign policy dictated from Downing Street.

Mr. President, I do not know whether Northcliffe has bought one of those confiscated estates which so many Englishmen bought after King Henry VIII confiscated the property of the Roman Catholic Church, but we all know that Westminster Abbey was once Roman Catholic property, and the seat of the Bryon family, Newstead Abbey, was once a monastery, and Welbeck Abbey another. There are hundreds and hundreds of those great estates whose titles began in confiscation, and it seems to me that before the virtuous statesmen of England and France say too much about Russian confiscation they had better study the origin of land titles in their own countries.

But, Mr. President, I want to say a word about Russia. On page 382 of McKenzie's Nineteenth Century is this statement:

Forty-eight million Russian peasants were in bondage—subject to the arbitrary will of an owner—bought and sold with the properties on which they labored. This unhappy system was no great antiquity, for it was not till the close of the sixteenth century that the Russian peasant became a serf. The evil institution had begun to die out in the west before it was legalized in Russia.

I read that for this purpose: It is only fair to remember that at least one-fourth of the population of Russia has never had any chance to experiment in government. The French peasant was outrageously mistreated, but I will not take the time of the Senate to enumerate the horrible conditions under which he lived, but the French peasant was never whipped to make him pay his taxes. He might be stripped of his substance until he starved or became a criminal, preying upon society; but in Russia the cruel knout, used by brutal Cossacks, scourged the peasant into paying his taxes either in labor or in kind or in cash.

Now we come to the land system, and I think it will be found interesting to the Senate and to the country:

The position of the Russian serf, although it had much to degrade, was without the repulsive features of ordinary slavery. The estate of the Russian landowner was divided into two portions. The smaller of the two—usually not more than one-third—was retained for the use of the proprietor. The larger was made over to the village community, by whom it was cultivated and to whom its fruits belonged. The members of that community were all serfs, owned by the great lord and subject to his will. He could punish them by stripes when they displeased him; when he sold his lands he sold also the population. He could make or enforce such claims upon their labor as seemed good to him. Custom, however, had imposed reasonable limitations on such claims. He selected a portion of his serfs to cultivate his field and form his retinue. The remainder divided their time equally between his fields and their own—three days in each week belonged to their master and three days belonged to themselves.

Again:

The continued occupation was not voluntary but compulsory; and no peasant may withdraw without consent of the whole community, which in the northern parts of the empire is gained only by purchase. The lands thus acquired are not owned by individuals but by the community. All obligations to the former proprietor or to the State are obligations of the associated villagers. The land system of the greater portion of Russia is thus a system of communism.

I think it important, Mr. President, that we should understand that communism has always existed among the Slavs, and once existed, from time immemorial, in the Orient. The Russians, as I understand it, are not departing so violently or so radically from their past system. What is happening is this: The aristocrats and the Czar have gone, and the people are there. True, they committed a foul crime when they murdered the Czar and his family. But what was it when the French sent to the guillotine the harmless Louis XVI, and afterwards sent his white-haired queen? What was it in England when Charles I was sent to the block?

Let us not affect too much saintliness. Are our skirts entirely clear of wrongdoing in Hawaii, the Philippines, and in San Domingo? Was there ever a time in the history of our country when there were more different crimes, of a more horrible character? Was there ever so much poverty, so much vice, so much murder, so much robbery? The police authorities are in despair. The law courts are well-nigh paralyzed; we hear sermon after sermon and read article after article about crime waves.

Why is it we do not recognize Russia as a de facto government? Why do we not see what is visible to the world? As a matter of fact, most of the world is dealing with her now, and we are letting pass unused golden opportunities for enlarged commerce and the consumption of American products.

Mr. President, the speech of Mr. Webster on the question of Grecian independence is not very long, and it is so very timely that I ask unanimous consent that it be printed in the Record following my remarks, and that it be set in 8-point type.

THE VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

(Speech delivered in the House of Representatives of the United States, January 19, 1824.)

Mr. Webster spoke to the following effect:

I am afraid, Mr. Chairman, that, so far as my part in this discussion is concerned, those expectations which the public excitement existing on the subject and certain associations easily suggested by it have conspired to raise may be disappointed. An occasion which calls the attention to a spot so distinguished, so connected with interesting recollections, as Greece may naturally create something of warmth and enthusiasm. In a grave political discussion, however, it is necessary that those feelings should be chastised. I shall endeavor properly to repress them, although it is impossible that they should be altogether extinguished. We must, indeed, fly beyond the civilized world; we must pass the dominion of law and the boundaries of knowledge; we must, more especially, withdraw ourselves from this place and the scenes and objects which here surround us if we would separate ourselves entirely from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good—where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence which, if it were now here, on a subject like this would move the stones of the Capitol—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture—all remind us that Greece has existed and that we, like the rest of mankind, are greatly her debtors. (The interior of the Hall of the House of Representatives is surrounded by a magnificent colonnade of the composite order.)

But I have not introduced this motion in the vain hope of discharging anything of this accumulated debt of centuries. I have not acted upon the expectation that we, who have inherited this obligation from our ancestors, should now attempt to pay it to those who may seem to have inherited from their ancestors a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people in the cause of liberty and Christianity, to draw the attention of the House to the circumstances which have accompanied that struggle and to the principles which appear to have governed the conduct of the great States of Europe in regard to it, and to the effects and consequences of these principles upon the independence of nations and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living, and not the dead. It regards her, not as she

exists in history, triumphant over time and tyranny and ignorance, but as she now is, contending against fearful odds for being and for the common privileges of human nature.

As it is never difficult to recite commonplace remarks and trite aphorisms, so it may be easy, I am aware, on this occasion to remind me of the wisdom which dictates to men a care of their own affairs and admonishes them, instead of searching for adventures abroad, to leave other men's concerns in their own hands. It may be easy to call this resolution Quixotic, the emanation of a crusading or propagandist spirit. All this and more may be readily said, but all this and more will not be allowed to fix a character upon this proceeding until that is proved which it takes for granted. Let it first be shown that in this question there is nothing which can affect the interest, the character, or the duty of this country. Let it be proved that we are not called upon by either of these considerations to express an opinion on the subject to which the resolution relates. Let this be proved, and then it will indeed be made out that neither ought this resolution to pass nor ought the subject of it to have been mentioned in the communication of the President to us. But, in my opinion, this can not be shown. In my judgment the subject is interesting to the people and the Government of this country, and we are called upon by considerations of great weight and moment to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest. I wish to treat the subject on such grounds exclusively as are truly American; but then, in considering it as an American question, I can not forget the age in which we live, the prevailing spirit of the age, the interesting questions which agitate it and our own peculiar relation in regard to these interesting questions. Let this be, then, and as far as I am concerned I hope it will be, purely an American discussion; but let it embrace, nevertheless, everything that fairly concerns America. Let it comprehend not merely her present advantage but her permanent interest, her elevated character as one of the free States of the world, and her duty toward those great principles which have hitherto maintained the relative independence of nations and which have, more especially, made her what she is.

At the commencement of the session the President, in the discharge of the high duties of his office, called our attention to the subject to which this resolution refers. "A strong hope," says that communication, "has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation."

It has appeared to me that the House should adopt some resolution reciprocating these sentiments, so far as it shall approve them. More than twenty years have elapsed since Congress first ceased to receive such a communication from the President as could properly be made the subject of a general answer. I do not mean to find fault with this relinquishment of a former and an ancient practice. It may have been attended with inconveniences which justified its abolition. But certainly there was one advantage belonging to it; and that is, that it furnished a fit opportunity for the expression of the opinion of the Houses of Congress upon those topics in the executive communication which were not expected to be made the immediate subjects of direct legislation. Since, therefore, the President's message does not now receive a general answer, it has seemed to me to be proper that in some mode agreeable to our own usual form of proceeding we should express our sentiments upon the important and interesting topics on which it treats.

If the sentiments of the message in respect to Greece be proper, it is equally proper that this House should reciprocate those sentiments. The present resolution is designed to have that extent, and no more. If it pass, it will leave any future proceeding where it now is, in the discretion of the executive government. It is but an expression, under those forms in which the House is accustomed to act, of the satisfaction of the House with the general sentiments expressed in regard to this subject in the message and of its readiness to defray the expense incident to any inquiry for the purpose of further information,

or any other agency which the President, in his discretion, shall see fit, in whatever manner and at whatever time to institute. The whole matter is still left in his judgment, and this resolution can in no way restrain its unlimited exercise.

I might well, Mr. Chairman, avoid the responsibility of this measure if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The Nation is prosperous, peaceful, and happy; and I should very reluctantly put its peace, prosperity, or happiness at risk. It appears to me, however, that this resolution is strictly conformable to our general policy and not only consistent with our interest, but even demanded by a large and liberal view of those interests.

It is certainly true that the just policy of this country is, in the first place, a peaceful policy. No nation ever had less to expect from forcible aggrandizement. The mighty agents which are working out our greatness are time, industry, and the arts. Our augmentation is by growth, not by acquisition; by internal development, not by external accession. No schemes can be suggested to us so magnificent as the prospects which a sober contemplation of our own condition, unaided by projects, uninfluenced by ambition, fairly spreads before us. A country of such vast extent, with such varieties of soil and climate, with so much public spirit and private enterprise, with a population increasing so much beyond former example, with capacities of improvement not only unapplied or unexhausted, but even in a great measure, as yet unexplored—so free in its institutions, so mild in its laws, so secure in the title it confers on every man to his own acquisitions—needs nothing but time and peace to carry it forward to almost any point of advancement.

In the next place, I take it for granted that the policy of this country, springing from the nature of our Government and the spirit of all our institutions is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary; the spirit that actuates it is peculiar and marked; and our own relation to the times we live in, and to the questions which interest them, is equally marked and peculiar. We are placed, by our good fortune and the wisdom and valor of our ancestors, in a condition in which we can act no obscure part. Be it for honor, or be it for dishonor, whatever we do is sure to attract the observation of the world. As one of the free States among the nations, as a great and rapidly rising Republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our examples from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests probably with ourselves to determine whether the influence of these shall be salutary or pernicious.

It can not be denied that the great political question of this age is that between absolute and regulated governments. The substance of the controversy is whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule which, while it promises to govern well, means, nevertheless, to govern without control, and that constitutional system which restrains sovereign discretion, and asserts that society may claim as matter of right some effective power in the establishment of the laws which are to regulate it. The spirit of the times sets with a most powerful current in favor of these last-mentioned opinions. It is opposed, however, whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would justify such opposition in relation to the United States, as well as in relation to any other State or nation, if time and circumstances should render such opposition expedient.

What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, can not be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions. From the earliest settlement of these States, their inhabitants were accustomed, in a greater or less degree, to the enjoyment of the powers of self-government; and for the last half century they have sustained systems of government entirely representative, yielding to themselves the greatest possible prosperity, and not leaving them without distinction and respect among the nations of the earth. This system we are not likely to abandon; and while we shall no further recommend its adoption to other nations, in whole or in part, than it may recommend itself by its visible influence on our own growth and prosperity, we are nevertheless interested to resist

the establishment of doctrines which deny the legality of its foundations. We stand as an equal among nations, claiming the full benefit of the established international law; and it is our duty to oppose, from the earliest to the latest moment, any innovations upon that code which shall bring into doubt or question our own equal and independent rights.

I will now, Mr. Chairman, advert to those pretensions put forth by the allied sovereigns of continental Europe, which seem to me calculated, if unresisted, to bring into disrepute the principles of our Government, and, indeed, to be wholly incompatible with any degree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The right of choice that we exercise for ourselves I am quite willing to leave also to others. But it appears to me that the pretensions to which I have alluded are wholly inconsistent with the independence of nations generally, without regard to the question whether their governments be absolute, monarchical and limited, or purely popular and representative. I have a most deep and thorough conviction that a new era has arisen in the world, that new and dangerous combinations are taking place promulgating doctrines and fraught with consequences wholly subversive in their tendency of the public law of nations and of the general liberties of mankind. Whether this be so or not is the question which I now propose to examine upon such grounds of information as are afforded by the common and public means of knowledge.

Everybody knows that since the final restoration of the Bourbons to the throne of France the continental powers have entered into sundry alliances, which have been made public, and have held several meetings or congresses, at which the principles of their political conduct have been declared. These things must necessarily have an effect upon the international law of the States of the world. If that effect be good and according to the principles of that law, they deserve to be applauded. If, on the contrary, their effect and tendency be most dangerous, their principles wholly inadmissible, their pretensions such as would abolish every degree of national independence, then they are to be resisted.

I begin, Mr. Chairman, by drawing your attention to the treaty concluded at Paris in September, 1815, between Russia, Prussia, and Austria, commonly called the Holy Alliance. This singular alliance appears to have originated with the Emperor of Russia; for we are informed that a draft of it was exhibited by him, personally, to a plenipotentiary of one of the great powers of Europe, before it was presented to the other sovereigns who ultimately signed it. (See Lord Castlereagh's speech in the House of Commons, February 3, 1816. Debates in Parliament, vol. 36, p. 355; where, also, the treaty may be found at length.) This instrument professes nothing, certainly, which is not extremely commendable and praiseworthy. It promises only that the contracting parties, both in relation to other States and in regard to their own subjects, will observe the rules of justice and Christianity. In confirmation of these promises, it makes the most solemn and devout religious invocations. Now, although such an alliance is a novelty in European history, the world seems to have received this treaty, upon its first promulgation, with general charity. It was commonly understood as little or nothing more than an expression of thanks for the successful termination of the momentous contest in which those sovereigns had been engaged. It still seems somewhat unaccountable, however, that these good resolutions should require to be confirmed by treaty. Who doubted that these august sovereigns would treat each other with justice, and rule their own subjects in mercy? And what necessity was there for a solemn stipulation by treaty to insure the performance of that which is no more than the ordinary duty of every government? It would hardly be admitted by these sovereigns that by this compact they consider themselves bound to introduce an entire change, or any change, in the course of their own conduct. Nothing substantially new, certainly, can be supposed to have been intended. What principle, or what practice, therefore, called for this solemn declaration of the intention of the parties to observe the rules of religion and justice?

It is not a little remarkable that a writer of reputation upon the public law described, many years ago, not inaccurately, the character of this alliance. I allude to Puffendorf. "It seems useless," says he, "to frame any pacts or leagues barely for the defense and support of universal peace; for by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of anything which the parties were not previously bound to perform; nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization might well be

ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence toward God should we suppose that His injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey His will depended upon our own pleasure.

"If one engage to serve another, he does not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason that would be a dishonorable engagement, in which men should bind themselves to act properly and decently and not break the peace." (Law of Nature and Nations, Book II, ch. 2, sec. 11.)

Such were the sentiments of that eminent writer. How nearly he had anticipated the case of the Holy Alliance will appear from the preamble to that alliance. After stating that the allied sovereigns had become persuaded, by the events of the last three years, that "their relations with each other ought to be regulated exclusively by the sublime truths taught by the eternal religion of God the Saviour," they solemnly declare their fixed resolution "to adopt as the sole rule of their conduct, both in the administration of their respective States, and in their political relations with every other government, the precepts of that holy religion, namely, the precepts of justice, charity, and peace, which, far from being applicable to private life alone, ought, on the contrary, to have a direct influence upon the counsels of princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections." (Martens, *Recueil des Traités*, Tome XIII, p. 656.)

This measure, however, appears principally important, as it was the first of a series, and was followed afterwards by others of a more marked and practical nature. These measures, taken together, profess to establish two principles, which the allied powers would introduce as a part of the law of the civilized world and the establishment of which is to be enforced by a million and a half of bayonets.

The first of these principles is that all popular or constitutional rights are held no otherwise than as grants from the Crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live by that favor which emanates from royal authority, and if it have the misfortune to lose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word submission. This is the plain result of the principal continental State papers; indeed, it is nearly the identical text of some of them.

The circular dispatch addressed by the sovereigns assembled at Laybach in the spring of 1821 to their ministers at foreign courts alleges "that useful and necessary changes in legislation and in the administration of States ought only to emanate from the free will and intelligent and well-weighed conviction of those whom God has rendered responsible for power. All that deviates from this line necessarily leads to disorder, commotions, and evils far more insufferable than those which they pretend to remedy." (Annual Register for 1821, p. 601.) Now, sir, this principle would carry Europe back again at once into the middle of the Dark Ages. It is the old doctrine of the divine right of kings, advanced now by new advocates, and sustained by a formidable array of power. That the people hold their fundamental privileges as matter of concession or indulgence from the sovereign power, is a sentiment not easy to be diffused in this age any further than it is enforced by the direct operation of military means. It is true, certainly, that some six centuries ago the early founders of English liberty called the instrument which secured their rights a charter. It was, indeed, a concession; they had obtained it sword in hand from the king; and in many other cases whatever was obtained favorable to human rights from the tyranny and despotism of the feudal sovereigns was called by the names of privileges and liberties as being matter of special favor. Though we retain this language at the present time, the principle itself belongs to ages that have long passed by us. The civilized world has done with "the enormous faith of many made for one." Society asserts its own rights, and alleges them to be original, sacred, and inalienable. It is not satisfied with having kind masters; it demands a participation in its own government; and in States much advanced in civilization it urges this demand with a constancy and an energy that can not well nor

long be resisted. There are, happily, enough of regulated governments in the world, and those among the most distinguished, to operate as constant examples and to keep alive an unceasing panting in the bosoms of men for the enjoyment of similar free institutions.

When the English revolution of 1688 took place the English people did not content themselves with the example of Runnymede; they did not build their hopes upon royal charters; they did not, like the authors of the Laybach circular, suppose that all useful changes in constitutions and laws must proceed from those only whom God has rendered responsible for power. They were somewhat better instructed in the principles of civil liberty, or at least they were better lovers of those principles than the sovereigns of Laybach. Instead of petitioning for charters, they declared their rights, and while they offered to the Prince of Orange the crown with one hand, they held in the other an enumeration of those privileges which they did not profess to hold as favors, but which they demanded and insisted upon as their undoubted rights.

I need not stop to observe, Mr. Chairman, how totally hostile are these doctrines of Laybach to the fundamental principles of our Government. They are in direct contradiction; the principles of good and evil are hardly more opposite. If these principles of the sovereigns be true, we are but in a state of rebellion or of anarchy, and are only tolerated among civilized States because it has not yet been convenient to reduce us to the true standard.

But the second and, if possible, the still more objectionable principle avowed in these papers is the right of forcible interference in the affairs of other States. A right to control nations in their desire to change their own Government, wherever it may be conjectured or pretended that such change might furnish an example to the subjects of other States is plainly and distinctly asserted. The same Congress that made the declaration at Laybach had declared, before its removal from Troppau, "that the powers have an undoubted right to take a hostile attitude in regard to those States in which the overthrow of the Government may operate as an example."

There can not, as I think, be conceived a more flagrant violation of public law or national independence, than is contained in this short declaration.

No matter what be the character of the Government resisted, no matter with what weight the foot of the oppressor bears on the neck of the oppressed, if he struggle or if he complain, he sets a dangerous example of resistance, and from that moment he becomes an object of hostility to the most powerful potentates of the earth. I want words to express my abhorrence of this abominable principle. I trust every enlightened man throughout the world will oppose it, and that especially those who, like ourselves, are fortunately out of the reach of the bayonets that enforce it, will proclaim their detestation of it in a tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply by bringing the power of all Governments to bear against all subjects. Here is to be established a sort of double or treble or quadruple or, for aught I know, quintuple allegiance. An offense against one king is to be an offense against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous States, and where imminent danger is threatened to one by what is occurring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited to a certain extent, it may perhaps be defended upon principles of necessity and self-defense. But to maintain that sovereigns may go to war upon the subjects of another State to repress an example, is monstrous indeed. What is to be the limit to such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure, is to decide whether the example be good or bad? And what, under the operation of such a rule, may be thought of our example? Why are we not as fair objects for the operation of the new principle as any of those who may attempt a reform of government on the other side of the Atlantic?

The ultimate effect of this alliance of sovereigns, for objects personal to themselves, or respecting only the permanence of their own power, must be the destruction of all just feeling and all natural sympathy between those who exercise the power of government and those who are subject to it. The old channels of mutual regard and confidence are to be dried up or cut off. Obedience can now be expected no longer than it is enforced. Instead of relying on the affections of the governed, sovereigns are to rely on the affections and friendship of other sovereigns. There are, in short, no longer to be nations,

Princes and people are no longer to unite for interests common to them both. There is to be an end of all patriotism as a distinct national feeling. Society is to be divided horizontally; all sovereigns above and all subjects below, the former coalescing for their own security and for the more certain subjection of the undistinguished multitude beneath. This, sir, is no picture drawn by imagination.

I have hardly used language stronger than that in which the authors of this new system have commented on their own work. M. de Chateaubriand in his speech in the French Chamber of Deputies in February last declared that he had a conference with the Emperor of Russia at Verona, in which that august sovereign uttered sentiments which appeared to him so precious that he immediately hastened home and wrote them down while yet fresh in his recollection. "The Emperor declared," said he, "that there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles upon which I founded the alliance; an occasion offered itself—the rising in Greece. Nothing certainly could occur more for my interests, for the interests of my people; nothing more acceptable to my country than a religious war in Turkey. But I have thought I perceived in the troubles of the Morea the sign of revolution, and I have held back. Providence has not put under my command 800,000 soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted that kings may have public alliances to defend themselves against secret enemies."

These, sir, are the words which the French minister thought so important that they deserved to be recorded; and I, too, sir, am of the same opinion. But if it be true that there is hereafter to be neither a Russian policy, nor a Prussian policy, nor an Austrian policy, nor a French policy, nor even, which yet I will not believe, an English policy, there will be, I trust in God, an American policy. If the authority of all these Governments be hereafter to be mixed and blended, and to flow in one augmented current of prerogative over the face of Europe, sweeping away all resistance in its course, it will yet remain for us to secure our own happiness by the preservation of our own principles, which I hope we shall have the manliness to express on all proper occasions and the spirit to defend in every extremity. The end and scope of this amalgamated policy are neither more nor less than this, to interfere by force for any government against any people who may resist it. Be the state of the people what it may, they shall not rise; be the government what it will, it shall not be opposed.

The practical commentary has corresponded with the plain language of the text. Look at Spain and at Greece. If men may not resist the Spanish inquisition and the Turkish cimeter, what is there to which humanity must not submit? Stronger cases can never arise. Is it not proper for us at all times, is it not our duty at this time to come forth and deny and condemn these monstrous principles? Where but here and in one other place are they likely to be resisted? They are advanced with equal coolness and boldness, and they are supported by immense power. The timid will shrink and give way, and many of the brave may be compelled to yield to force. Human liberty may yet, perhaps, be obliged to repose its principal hopes on the intelligence and the vigor of the Saxon race. As far as depends on us, at least, I trust those hopes will not be disappointed, and that, to the extent which may consist with our own settled, pacific policy, our opinions and sentiments may be brought to act on the right side and to the right end on an occasion which is in truth nothing less than a momentous question between an intelligent age, full of knowledge, thirsting for improvement, and quickened by a thousand impulses on one side, and the most arbitrary pretensions, sustained by unprecedented power, on the other.

This asserted right of forcible intervention in the affairs of other nations is in open violation of the public law of the world. Who has authorized these learned doctors of Troppau to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence Europe has seen a family of nations flourishing within its limits, the small among the large, protected not always by power but by a principle above power, by a sense of propriety and justice. On this principle the great commonwealth of civilized States has been hitherto upheld. There have been occasional departures

or violations, and always disastrous, as in the case of Poland; but in general the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of justice, this predominating principle, the Christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle over power and interest, so well described by one who was an honor to the age—

And sovereign law, the State's collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill:
Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
And e'en the all-dazzling crown,
Hides his faint rays, and at her bidding shrinks—

but this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

It may now be required of me to show what interest we have in resisting this new system. What is it to us, it may be asked, upon what principles, or what pretenses, the European Governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger, and, however others may suffer, we shall remain safe.

I think it is a sufficient answer to this to say that we are one of the nations of the earth; that we have an interest, therefore, in the preservation of that system of national law and national intercourse which has heretofore subsisted so beneficially for all. Our system of government, it should also be remembered, is throughout founded on principles utterly hostile to the new code, and if we remain undisturbed by its operation we shall owe our security either to our situation or our spirit. The enterprising character of the age, our own active commercial spirit, the great increase which has taken place in the intercourse among civilized and commercial States, have necessarily connected us with other nations and given us a high concern in the preservation of those salutary principles upon which that intercourse is founded. We have as clear an interest in international law as individuals have in the laws of society.

But apart from the soundness of the policy, on the ground of direct interest, we have, sir, a duty connected with this subject which, I trust, we are willing to perform. What do we not owe to the cause of civil and religious liberty? To the principle of lawful resistance? To the principle that society has a right to partake in its own Government? As the leading Republic of the world, living and breathing in these principles and advanced by their operation with unequaled rapidity in our career, shall we give our consent to bring them into disrepute and disgrace? It is neither ostentation nor boasting to say that there lies before this country, in immediate prospect, a great extent and height of power. We are borne along toward this without effort and not always even with a full knowledge of the rapidity of our own motion. Circumstances which never combined before have cooperated in our favor, and a mighty current is setting us forward which we could not resist even if we would, and which, while we would stop to make an observation and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then—is it not a duty imposed on us—to give our weight to the side of liberty and justice, to let mankind know that we are not tired of our own institutions, and to protest against the asserted power of altering at pleasure the law of the civilized world?

But whatever we do in this respect it becomes us to do upon clear and consistent principles. There is an important topic in the message to which I have yet hardly alluded. I mean the rumored combination of the European continental sovereigns against the newly established free States of South America. Whatever position this Government may take on that subject, I trust it will be one which can be defended on known and acknowledged grounds of right. The near approach or the remote distance of danger may affect policy but can not change principle. The same reason that would authorize us to protest against unwarrantable combinations to interfere between Spain and her former colonies would authorize us equally to protest if the same combination were directed against the smallest State in Europe, although our duty to ourselves, our policy, and wisdom might indicate very different courses as fit to be pursued by us in the two cases. We shall not, I trust, act upon the notion of dividing the world with the Holy Alliance and complain of nothing done by them in their hemisphere if they will not interfere with ours. At least this would not be such a course of policy as I could recommend or support. We

have not offended, and I hope we do not intend to offend, in regard to South America against any principle of national independence or of public law. We have done nothing, we shall do nothing, that we need to hush up or to compromise by forbearing to express our sympathy for the cause of the Greeks or our opinion of the course which other Governments have adopted in regard to them.

It may in the next place be asked perhaps, Supposing all this to be true, what can we do? Are we to go to war? Are we to interfere in the Greek cause or any other European cause? Are we to endanger our pacific relations? No; certainly not. What, then, the question recurs, remains for us? If we will not endanger our own peace, if we will neither furnish armies nor navies to the cause which we think the just one, what is there within our power?

Sir, this reasoning mistakes the age. The time has been, indeed, when fleets and armies and subsidies were the principal reliances even in the best cause. But, happily for mankind, a great change has taken place in this respect. Moral causes come into consideration in proportion as the progress of knowledge is advanced; and the public opinion of the civilized world is rapidly gaining an ascendancy over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression, and as it grows more intelligent and more intense it will be more and more formidable. It may be silenced by military power, but it can not be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare. It is that impassible, unextinguishable enemy of mere violence and arbitrary rule, which, like Milton's angels,

Vital in every part, * * *
Can not, but by annihilating, die.

Until this be propitiated or satisfied it is vain for power to talk either of triumphs or of repose. No matter what fields are desolated, what fortresses surrendered, what armies subdued, or what provinces overrun. In the history of the year that has passed by us, and in the instance of unhappy Spain, we have seen the vanity of all triumphs in a cause which violates the general sense of justice of the civilized world. It is nothing that the troops of France have passed from the Pyrenees to Cadiz; it is nothing that an unhappy and prostrate nation has fallen before them; it is nothing that arrests and confiscation and execution sweep away the little remnant of national resistance. There is an enemy that still exists to check the glory of these triumphs. It follows the conqueror back to the very scene of his ovations; it calls upon him to take notice that Europe, though silent, is yet indignant; it shows him that the scepter of his victory is a barren scepter; that it shall confer neither joy nor honor, but shall molder to dry ashes in his grasp. In the midst of his exultation it pierces his ear with the cry of injured justice; it denounces against him the indignation of an enlightened and civilized age; it turns to bitterness the cup of his rejoicing and wounds him with the sting which belongs to the consciousness of having outraged the opinion of mankind.

In my opinion, sir, the Spanish nation is now nearer, not only in point of time but in point of circumstance, to the acquisition of a regulated government than at the moment of the French invasion. Nations must, no doubt, undergo these trials in their progress to the establishment of free institutions. The very trials benefit them and render them more capable both of obtaining and of enjoying the object which they seek.

I shall not detain the committee, sir, by laying before it any statistical, geographical, or commercial account of Greece. I have no knowledge on these subjects which is not common to all. It is universally admitted that, within the last 30 or 40 years, the condition of Greece has been greatly improved. Her marine is at present respectable, containing the best sailors in the Mediterranean, better even, in that sea, than our own, as more accustomed to the long quarantines and other regulations which prevail in its ports. The number of her seamen has been estimated as high as 50,000, but I suppose that estimate must be much too large. She has probably 150,000 tons of shipping. It is not easy to ascertain the amount of the Greek population. The Turkish Government does not trouble itself with any of the calculations of political economy, and there has never been such a thing as an accurate census probably in any part of the Turkish Empire. In the absence of all official information, private opinions widely differ. By the tables which have been communicated, it would seem that there are 2,400,000 Greeks in Greece proper and the islands; an amount, as I am inclined to think, somewhat overrated. There are probably in the whole of European Turkey 5,000,000 Greeks and 2,000,000 more in the Asiatic dominions of that power.

The moral and intellectual progress of this numerous population, under the horrible oppression which crushes it, has been such as may well excite regard. Slaves, under barbarous masters, the Greeks have still aspired after the blessings of knowledge and civilization. Before the breaking out of the present revolution they had established schools, and colleges, and libraries, and the press. Wherever, as in Scio, owing to particular circumstances, the weight of oppression was mitigated, the natural vivacity of the Greeks and their aptitude for the arts were evinced. Though certainly not on an equality with the civilized and Christian States of Europe—and how is it possible, under such oppression as they endured, that they should be?—they yet furnished a striking contrast with their Tartar masters. It has been well said that it is not easy to form a just conception of the nature of the despotism exercised over them. Conquest and subjugation, as known among European States, are inadequate modes of expression by which to denote the dominion of the Turks. A conquest in the civilized world is generally no more than an acquisition of a new dominion to the conquering country. It does not imply a never-ending bondage imposed upon the conquered, a perpetual mark—an opprobrious distinction between them and their masters; a bitter and unending persecution of their religion; a habitual violation of their rights of person and property, and the unrestrained indulgence toward them of every passion which belongs to the character of a barbarous soldiery. Yet such is the state of Greece. The Ottoman power over them, obtained originally by the sword, is constantly preserved by the same means. Wherever it exists, it is a mere military power. The religious and civil code of the State being both fixed in the Koran, and equally the object of an ignorant and furious faith, have been found equally incapable of change. "The Turk," it has been said, "has been encamped in Europe for four centuries." He has hardly any more participation in European manners, knowledge, and arts than when he crossed the Bosphorus. But this is not the worst. The power of the Empire is fallen into anarchy, and as the principle which belongs to the head belongs also to the parts, there are as many despots as there are pachas, beys, and viziers. Wars are almost perpetual between the Sultan and some rebellious governor of a Province; and in the conflict of these despotisms the people are necessarily ground between the upper and the nether millstone. In short, the Christian subjects of the Sublime Porte feel daily all the miseries which flow from despotism, from anarchy, from slavery, and from religious persecution. If anything yet remains to heighten such a picture, let it be added that every office in the Government is not only actually but professedly venal; the pachalics, the vizierates, the cadiships, and whatsoever other denomination may denote the depository of power. In the whole world, sir, there is no such oppression felt as by the Christian Greeks. In various parts of India, to be sure, the Government is bad enough; but then it is the government of barbarians over barbarians, and the feeling of oppression is, of course, not so keen. There the oppressed are perhaps not better than their oppressors; but in the case of Greece, there are millions of Christian men, not without knowledge, not without refinement, not without a strong thirst for all the pleasures of civilized life, trampled into the very earth, century after century, by a pillaging, savage, relentless soldiery. Sir, the case is unique. There exists, and has existed, nothing like it. The world has no such misery to show; there is no case in which Christian communities can be called upon with such emphasis of appeal.

But I have said enough, Mr. Chairman—indeed I need have said nothing—to satisfy the House that it must be some new combination of circumstances, or new views of policy in the cabinets of Europe, which have caused this interesting struggle not merely to be regarded with indifference but to be marked with opprobrium. The very statement of the case, as a contest between the Turks and Greeks, sufficiently indicates what must be the feeling of every individual and every government that is not biased by a particular interest or a particular feeling to disregard the dictates of justice and humanity.

And now, sir, what has been the conduct pursued by the allied powers in regard to this contest?

When the revolution broke out the sovereigns were assembled in congress at Laybach, and the papers of that assembly sufficiently manifest their sentiments. They proclaimed their abhorrence of those "criminal combinations which had been formed in the eastern parts of Europe"; and, although it is possible that this denunciation was aimed more particularly at the disturbances in the Provinces of Wallachia and Moldavia, yet no exception is made from its general terms in favor of those events in Greece which were properly the commencement of her revolution, and which could not but be well known at Laybach before the date of these declarations. Now it must

be remembered that Russia was a leading party in this denunciation of the efforts of the Greeks to achieve their liberation; and it can not but be expected by Russia that the world should also remember what part she herself has heretofore acted in the same concern. It is notorious that within the last half century she has again and again excited the Greeks to rebellion against the Porte, and that she has constantly kept alive in them the hope that she would, one day, by her own great power, break the yoke of their oppressor. Indeed, the earnest attention with which Russia has regarded Greece goes much further back than to the time I have mentioned. Ivan the Third, in 1482, having espoused a Grecian princess, heiress of the last Greek Emperor, discarded St. George from the Russian arms and adopted the Greek two-headed black eagle, which has continued in the Russian arms to the present day. In virtue of the same marriage the Russian princes claim the Greek throne as their inheritance.

Under Peter the Great the policy of Russia developed itself more fully. In 1696 he rendered himself master of Azof, and in 1698 obtained the right to pass the Dardanelles and to maintain, by that route, commercial intercourse with the Mediterranean. He had emissaries throughout Greece, and particularly applied himself to gain the clergy. He adopted the Labarum of Constantine, "*In hoc signo vinces*," and medals were struck, with the inscription, "*Petrus I, Russo-Grecorum Imperator*." In whatever new direction the principles of the Holy Alliance may now lead the politics of Russia, or whatever course she may suppose Christianity now prescribes to her in regard to the Greek cause, the time has been when she professed to be contending for that cause as identical with Christianity. The white banner under which the soldiers of Peter the First usually fought bore, as its inscription, "*In the name of the Prince, and for our country*." Relying on the aid of the Greeks in his war with the Porte, he changed the white flag to red and displayed on it the words "*In the name of God, and for Christianity*." The unfortunate issue of this war is well known. Though Anne and Elizabeth, the successors of Peter, did not possess his active character, they kept up a constant communication with Greece, and held out hopes of restoring the Greek Empire. Catharine the Second, as is well known, excited a general revolt in 1769. A Russian fleet appeared in the Mediterranean and a Russian army was landed in the Morea. The Greeks in the end were disgusted at being expected to take an oath of allegiance to Russia, and the Empress was disgusted because they refused to take it. In 1774 peace was signed between Russia and the Porte, and the Greeks of the Morea were left to their fate. By this treaty the Porte acknowledged the independence of the Khan of the Crimea—a preliminary step to the acquisition of that country by Russia. It is not unworthy of remark as a circumstance which distinguished this from most other diplomatic transactions, that it conceded to the cabinet of St. Petersburg the right of intervention in the interior affairs of Turkey, in regard to whatever concerned the religion of the Greeks. The cruelties and massacres that happened to the Greeks after the peace between Russia and the Porte, notwithstanding the general pardon which had been stipulated for them, need not now be recited. Instead of retracing the deplorable picture, it is enough to say that in this respect the past is justly reflected in the present. The Empress soon after invaded and conquered the Crimea, and on one of the gates of Kerson, its capital, caused to be inscribed "*The road to Byzantium*." The present Emperor, on his accession to the throne, manifested an intention to adopt the policy of Catharine the Second as his own, and the world has not been right in all its suspicions if a project for the partition of Turkey did not form a part of the negotiations of Napoleon and Alexander at Tilsit.

All this course of policy seems suddenly to be changed. Turkey is no longer regarded, it would appear, as an object of partition or acquisition, and Greek revolts have all at once become, according to the declaration of Laybach, "*criminal combinations*."

The recent congress at Verona exceeded its predecessor at Laybach in its denunciations of the Greek struggle. In the circular of the 14th of December, 1822, it declared the Grecian resistance to the Turkish power to be rash and culpable, and lamented that "the firebrand of rebellion had been thrown into the Ottoman Empire." This rebuke and criminalization we know to have proceeded on those settled principles of conduct which the continental powers had prescribed for themselves. The sovereigns saw, as well as others, the real condition of the Greeks; they knew as well as others that it was most natural and most justifiable that they should endeavor, at whatever hazard, to change that condition. They knew that they themselves, or at least one of them, had more than once urged the Greeks to similar efforts; that they themselves had thrown the

same firebrand into the midst of the Ottoman Empire. And yet, so much does it seem to be their fixed object to discountenance whatsoever threatens to disturb the actual government of any country, that, Christians as they were, and allied, as they professed to be, for purposes most important to human happiness and religion, they have not hesitated to declare to the world that they have wholly forborne to exercise any compassion to the Greeks, simply because they thought that they saw in the struggles of the Morea the sign of revolution. This, then, is coming to a plain, practical result. The Grecian revolution has been discouraged, discountenanced, and denounced solely because it is a revolution. Independent of all inquiry into the reasonableness of its causes or the enormity of the oppression which produced it, regardless of the peculiar claims which Greece possesses upon the civilized world, and regardless of what has been their own conduct toward her for a century, regardless of the interest of the Christian religion, the sovereigns at Verona seized upon the case of the Greek revolution as one above all others calculated to illustrate the fixed principles of their policy. The abominable rule of the Porte on one side, the value and the sufferings of the Christian Greeks on the other, furnished a case likely to convince even an incredulous world of the sincerity of the professions of the allied powers. They embraced the occasion with apparent ardor, and the world, I trust, is satisfied.

We see here, Mr. Chairman, the direct and actual application of that system which I have attempted to describe. We see it in the very case of Greece. We learn, authentically and indisputably, that the allied powers, holding that all changes in legislation and administration ought to proceed from kings alone, were wholly inexorable to the sufferings of the Greeks and entirely hostile to their success. Now, it is upon this practical result of the principle of the continental powers that I wish this House to intimate its opinion. The great question is a question of principle. Greece is only the signal instance of the application of that principle. If the principle be right, if we esteem it conformable to the law of nations, if we have nothing to say against it, or if we deem ourselves unfit to express an opinion on the subject, then, of course, no resolution ought to pass. If, on the other hand, we see in the declarations of the allied powers principles not only utterly hostile to our own free institutions but hostile also to the independence of all nations and altogether opposed to the improvement of the condition of human nature; if in the instance before us we see a most striking exposition and application of those principles, and if we deem our opinions to be entitled to any weight in the estimation of mankind, then I think it is our duty to adopt some such measure as the proposed resolution.

It is worthy of observation, sir, that as early as July, 1821, Baron Strogonoff, the Russian minister at Constantinople, represented to the Porte that if the undistinguished massacres of the Greeks, both of such as were in open resistance and of those who remained patient in their submission, were continued and should become a settled habit, they would give just cause of war against the Porte to all Christian states. This was in 1821. (Annual Register for 1821, p. 251.) It was followed early in the next year by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio, a scene I shall not attempt to describe; a scene from which human nature shrinks, shuddering, away; a scene having hardly a parallel in the history of fallen man. This scene, too, was quickly followed by the massacres in Cyprus; and all these things were perfectly known to the Christian powers assembled at Verona. Yet these powers, instead of acting upon the case supposed by Baron Strogonoff and which one would think had been then fully made out; instead of being moved by any compassion for the sufferings of the Greeks, these powers, these Christian powers, rebuke their gallantry and insult their sufferings by accusing them of "throwing a firebrand into the Ottoman Empire." Such, sir, appear to me to be the principles on which the continental powers of Europe have agreed hereafter to act, and this an eminent instance of the application of those principles.

I shall not detain the committee, Mr. Chairman, by any attempt to recite the events of the Greek struggle up to the present time. Its origin may be found, doubtless, in that improved state of knowledge which, for some years, has been gradually taking place in that country. The emancipation of the Greeks has been a subject frequently discussed in modern times. They themselves are represented as having a vivid remembrance of the distinction of their ancestors, not unmixed with an indignant feeling that civilized and Christian Europe should not ere now have aided them in breaking their intolerable fetters.

In 1816 a society was founded in Vienna for the encouragement of Grecian literature. It was connected with a similar in-

stitution at Athens, and another in Thessaly, called the "Gymnasium of Mount Pelion." The treasury and general office of the institution were established at Munich. No political object was avowed by these institutions, probably none contemplated. Still, however, they had their effect, no doubt, in hastening that condition of things in which the Greeks felt competent to the establishment of their independence. Many young men have been for years annually sent to the universities in the western States of Europe for their education; and, after the general pacification of Europe, many military men, discharged from other employment, were ready to enter even into so unpromising a service as that of the revolutionary Greeks.

In 1820 war commenced between the Porte and Ali, the well-known Pacha of Albania. Differences existed also with Persia and with Russia. In this state of things, at the beginning of 1821 an insurrection broke out in Moldavia, under the direction of Alexander Ypsilanti, a well-educated soldier, who had been major general in the Russian service. From his character, and the number of those who seemed inclined to join him, he was supposed to be countenanced by the court at St. Petersburg. This, however, was a great mistake, which the Emperor, then at Laybach, took an early opportunity to rectify. The Turkish Government was alarmed at these occurrences in the northern Provinces of European Turkey, and caused search to be made of all vessels entering the Black Sea, lest arms or other military means should be sent in that manner to the insurgents. This proved inconvenient to the commerce of Russia, and caused some unsatisfactory correspondence between the two powers. It may be worthy of remark, as an exhibition of national character, that, agitated by these appearances of intestine commotion, the Sultan issued a proclamation calling on all true Muslims to renounce the pleasures of social life, to prepare arms and horses, and to return to the manner of their ancestors, the life of the plains. The Turk seems to have thought that he had, at last, caught something of the dangerous contagion of European civilization, and that it was necessary to reform his habits, by recurring to the original manners of military roving barbarians.

It was about this time, that is to say, at the commencement of 1821, that the revolution burst out in various parts of Greece and the isles. Circumstances, certainly, were not unfavorable to the movement, as one portion of the Turkish Army was employed in the war against Ali Pacha in Albania, and another part in the Provinces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolizza, with the city, fell into their hands in the course of the summer. Having after these first movements obtained time to breathe, it became, of course, an early object to establish a government. For this purpose delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which "freed the Atlantic," a congress. A writer, who undertakes to render to the civilized world that service which was once performed by Edmund Burke—I mean the compiler of the English Annual Register—asks by what authority this assembly could call itself a congress. Simply, sir, by the same authority by which the people of the United States have given the same name to their own legislature. We, at least, should be naturally inclined to think, not only as far as names, but things also, are concerned, that the Greeks could hardly have begun their revolution under better auspices, since they have endeavored to render applicable to themselves the general principles of our form of government as well as its name.

This constitution went into operation at the commencement of the next year. In the meantime the war with Ali Pasha was ended, he having surrendered, and being afterwards assassinated by an instance of treachery and perfidy, which, if it had happened elsewhere than under the government of the Turks, would have deserved notice. The negotiations with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, beside the abandonment of the measure of searching vessels bound to the Black Sea, was that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force ready to be employed against the Greeks. These events seemed to have left the whole force of the Ottoman Empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of the cause. The event, however, was ordered otherwise. Where the greatest effort was made it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus,

within which, as far as it appears, from that time to the present, they have not been able to set their foot.

It was in April of this year that the destruction of Scio took place. That island, a sort of appanage of the Sultana mother, enjoyed many privileges peculiar to itself. In a population of 130,000 or 140,000 it had no more than 2,000 or 3,000 Turks; indeed, by some accounts, not near as many. The absence of these ruffian masters had in some degree allowed opportunity for the promotion of knowledge, the accumulation of wealth, and the general cultivation of society. Here was the seat of modern Greek literature; here were libraries, printing presses, and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island in an irregular multitude, for the purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city and drove the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and, learning these events, landed a force on the island of 15,000 men. There was nothing to resist such an army. These troops immediately entered the city and began an indiscriminate massacre. The city was fired; and in four days the fire and sword of the Turk rendered the beautiful Scio a clotted mass of blood and ashes. These details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterwards sold in the market of Smyrna and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of these hearths which now exist no longer. Of the whole population which I have mentioned, not above 900 persons were left living upon the island. I will only repeat, sir, that these tragical scenes were as fully known at the Congress of Verona as they are now known to us, and it is not too much to call on the powers that constituted that congress, in the name of conscience and in the name of humanity, to tell us if there be nothing even in these unparalleled excesses of Turkish barbarity to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

The events of the year which has just passed by, as far as they have become known to us, have been even more favorable to the Greeks than those of the year preceding. I omit all details as being as well known to others as to myself. Suffice it to say that with no other enemy to contend with and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea; and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over, also, the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished skill and bravery as would draw applause upon the best mariners in the world. The present state of the war would seem to be that the Greeks possess the whole of the Morea, with the exception of the three fortresses of Patras, Coron, and Modon; all Candia, but one fortress, and most of the other islands. They possess the citadel of Athens, Missolonghi, and several other places in Livadia. They have been able to act on the offensive, and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened; more probably, it is strengthened; but, what is most important of all, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America, and they have formed a government which seems suited to the emergency of their condition.

Sir, they have done much. It would be great injustice to compare their achievements with our own. We began our Revolution, already possessed of government, and, comparatively, of civil liberty. Our ancestors had from the first been accustomed in a great measure to govern themselves. They were familiar with popular elections and legislative assemblies, and well acquainted with the general principles and practice of free governments. They had little else to do than to throw off the paramount authority of the parent State. Enough was still left, both of law and of organization, to conduct society in its accustomed course, and to unite men together for a common object. The Greeks, of course, could act with little concert at the beginning; they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations which, whatever claims the Greeks might seem to have upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern Provinces have sent forth thousands of troops—they have been defeated. Tripoli, and Algiers, and Egypt, have contributed their marine contingents—they have not

kept the ocean. Hordes of Tartars have crossed the Bosphorus—they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause and admonished them to abandon it and submit to their fate. They have answered them, that, although 200,000 of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of all, "yes, of all," to persevere until they shall have established their liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do them good? I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, sir, it appears to me that the measure which I have proposed is due to our own character and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

I do not see how it can be doubted that this measure is entirely pacific. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not of necessity to be immediately acted on. It will not be acted on at all, unless, in the opinion of the President, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign State will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful for that purpose, it can be mischievous for no purpose. If the topic were properly introduced into the message, it can not be improperly introduced into discussion in this House. If it were proper, which no one doubts, for the President to express his opinions upon it, it can not, I think, be improper for us to express ours. The only certain effect of this resolution is to signify, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? The resolution confers on the President no new power, nor does it enjoin on him the exercise of any new duty; nor does it hasten him in the discharge of any existing duty.

I can not imagine that this resolution can add anything to those excitements which it has been supposed, I think very causelessly, might possibly provoke the Turkish Government to acts of hostility. There is already the message, expressing the hope of success to the Greeks and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is the correspondence between the Secretary of State and the Greek agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution has a keener vision than I can pretend to. Sir, there is no augmented danger; there is no danger. The question comes at last to this, whether, on a subject of this sort, this House holds an opinion which is worthy to be expressed.

Even suppose, sir, an agent or commissioner were to be immediately sent—a measure which I myself believe to be the proper one—there is no breach of neutrality nor any just cause of offense. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information; inquiry which we have a right to make, information which we are interested to possess. If a dismemberment of the Turkish Empire be taking place or has already taken place; if a new State be rising or be already risen in the Mediterranean, who can doubt that, without any breach of neutrality, we may inform ourselves of these events for the government of our own concerns? The Greeks have declared the Turkish coasts in a state of blockade; may we not inform ourselves whether this blockade be nominal or real, and, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be accurately informed of those events which may affect its safety. It seems to me impossible, therefore, for any reasonable man to imagine that this resolution can expose us to the resentment of the Sublime Porte.

As little reason is there for fearing its consequences upon the conduct of the allied powers. They may, very naturally, dislike our sentiments upon the subject of the Greek revolution;

but what those sentiments are they will much more explicitly learn in the President's message than in this resolution. They might, indeed, prefer that we should express no dissent from the doctrines which they have avowed and the application which they have made of those doctrines to the case of Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions and do not call that expression of opinion an interference, in which respect they are right, as the expression of opinion in such cases is not such an interference as would justify the Greeks in considering the powers at war with them. For the same reason any expression which we may make of different principles and different sympathies is no interference. No one would call the President's message an interference, and yet it is much stronger in that respect than this resolution. If either of them could be construed to be an interference no doubt it would be improper; at least it would be so according to my view of the subject, for the very thing which I have attempted to resist in the course of these observations is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe which can suppose that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves or of injuring others. We do no more than to maintain those established principles in which we have an interest in common with other nations and to resist the introduction of new principles and new rules calculated to destroy the relative independence of States, and particularly hostile to the whole fabric of our Government.

I close then, sir, with repeating that the object of this resolution is to avail ourselves of the interesting occasion of the Greek revolution to make our protest against the doctrines of the allied powers, both as they are laid down in principle and as they are applied in practice. I think it right, too, sir, not to be unseasonable in the expression of our regard, and, as far as that goes, in a manifestation of our sympathy with a long oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and, when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of any other people. They stretch out their arms to the Christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their desolated and ruined cities and villages, by their wives and children sold into an accursed slavery, by their blood, which they seem willing to pour out like water, by the common faith, and in the name which unites all Christians, that they would extend to them at least some token of compassionate regard.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The VICE PRESIDENT. What amendment does the Senator from North Dakota wish to take up now?

Mr. McCUMBER. On page 34, line 10.

The ASSISTANT SECRETARY. On page 34, line 10, after the word "fluorspar" and the comma, the committee proposes to strike out "\$5 per ton of 2,000 pounds: *Provided*, That after the expiration of one year beginning on the day following the passage of this act, the duty on fluorspar shall be \$4 per ton of 2,000 pounds," and to insert in lieu thereof "\$5.60 per ton," so as to read:

Fluorspar, \$5.60 per ton.

Mr. SIMMONS. Mr. President, I will say to the Senator from Utah [Mr. SMOOT] that the Senator from New Mexico [Mr. JONES] came down this morning expecting that this item of fluorspar would be called up. He wanted to present some remarks to the Senate. He stayed here a while, and the Senate then took up some other matter in which the Senators from California were interested. The Senator from New Mexico then left the Chamber and said he would probably not be able to return during the day. I have just called him on the telephone, and he requested me to ask that this item go over until to-morrow morning.

Mr. McCUMBER. Very well. If that is the desire, and if we are ready to go on with some other item, I have no objection.

Mr. SIMMONS. Mr. President, I make the point of no quorum. I was going to suggest to the Senator from North Dakota that if we could take up the item of carbon, the Senator from Texas [Mr. SHEPPARD] is ready to proceed, but the Sena-

tors who are to discuss some of the other items happen to be temporarily out of the Chamber. If it will satisfy the Senators in charge to take up the item of carbon, I am perfectly willing to withdraw the request for a quorum.

Mr. McCUMBER. What paragraph is it the Senator desires to take up?

Mr. SIMMONS. Paragraph 216, carbons and electrodes. I suggest to the Senator from North Dakota that we are ready to proceed with that paragraph. If the Senator is willing to take up that paragraph, we are ready to go on; otherwise I shall have to call for a quorum to bring here the Senators who can discuss some of the other paragraphs.

Mr. McCUMBER. Here, again, I think the Senator from Washington [Mr. POINDEXTER] is interested in graphite.

Mr. SHEPPARD. It is not the graphite paragraph to which the Senator from North Carolina is referring.

Mr. McCUMBER. It relates to articles or wares composed wholly or in part of carbon or graphite.

Mr. SHEPPARD. I will state, however, that the report of the Tariff Commission suggests that that clause be eliminated, as it is unnecessary and does not affect the sense of the paragraph. However, if the Senator feels that the Senator from Washington [Mr. POINDEXTER] is interested in it, I shall not insist on going ahead with it.

Mr. McCUMBER. If the Senator desires to go on with the discussion of paragraph 216, I have no objection to taking that up.

Mr. FLETCHER. Do I understand that paragraphs 211 and 213a are to go over until the Senator from Washington can be here? I think they might be considered together, as they bear on the same subject.

Mr. SMOOT. Why should paragraph 210 go over, then?

Mr. SHEPPARD. The Senator from North Carolina stated that certain Senators on this side of the Chamber are interested in paragraph 210, but are not here, and therefore he wanted it to go over.

Mr. McCUMBER. Does the Senator from North Carolina want paragraph 210 passed over?

Mr. SIMMONS. Yes; temporarily.

Mr. McCUMBER. Then I will ask that we may consider paragraph 216, and afterwards we will go back to paragraph 210.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 38, paragraph 216, carbons and electrodes, in line 19, the committee proposes to strike out the parenthesis and the word "composed" and insert in lieu thereof the word "composed"; in line 20, to strike out the parenthesis and the word "graphite" and insert in lieu the word "graphite"; and in line 21 to change "35" to "45" before the words "per cent ad valorem."

Mr. SHEPPARD. Mr. President, the carbon industry has four divisions or classifications, relating, respectively, to light, heat, power applied to electrical apparatus, and miscellaneous specialties, including all remaining forms of manufactured carbon.

The first division includes all forms of electric-lighting carbon. These carbons are cylindrical rods, and are used in making the arc light, of which there are three types; first, that made from petroleum coke carbon, the light once used so generally for street illumination, but now almost out of fashion; second, that made from lamplack or flaming-arc carbon, and used for many purposes, notably every kind of photography, motion-picture projections, and searchlights of the most powerful grades; third, that made from homogeneous or solid flaming-arc carbons, and of which very little is used. There are practically no importations of carbons used in making the first and third type of electric light, but of those used in making the second type the importations had a value in 1919 of \$20,967, while the home production exceeded \$1,200,000.

Mr. A. C. Morrison, representing the carbon section of the Associated Manufacturers of Electrical Supplies, New York City, testified before the Ways and Means Committee of the House that the domestic demand of 20,000,000 carbons for motion-picture purposes was being handled by the American industry, and handled satisfactorily.

The second division of the carbon industry, the division relating to heat, comprises the production of electrodes; that is, carbon bars of various dimensions, some weighing as much as a ton. They are essential to the operation of electric furnaces, batteries, and to electrochemical or electrolytical processes; that is, processes whereby chemicals are decomposed with an electric current.

The third division comprises the manufacture of what is known as the carbon brush—a combination of small pieces of carbon which transmit the electric current from the dynamo to motors, generators, and similar machines. They are essential,

therefore, to every form of electric power. Without them no dynamo could be utilized and no electric mechanism could be operated. Their production requires the highest skill and care as well as scientific and technical knowledge of the most accomplished nature. To so many uses is electricity put in modern times that there are about 8,000 different sizes and kinds of these carbon brushes.

The fourth division comprises all other carbon products, and are known as carbon specialties. They are so numerous that it is impracticable to cover them in a tariff law except through an ad valorem duty. Among these specialties are the carbon circuit-breaking contacts of electric elevators and of many other kinds of electrical equipment, carbon for electric welding, bearings, bushings, lightning arresters, hollow granules about three one-hundredths of an inch in diameter used in ear phones for the deaf, actuated carbon with the quality of absorbing poisonous gases to a larger degree than any other substance, packing rings, essential to the operation of turbine engines, minute carbon grains and carbon disks for telephones, and innumerable other articles leading into almost every detail of this mechanical and electric age.

I have already given the imports in the first division. In the other three the imports had a value in 1919 as follows: Electrodes, \$6,209, as against a home production of \$5,846,594; brushes, \$173,122, as against a home production of \$4,088,411.40; carbon specialties, about \$62,000, as against a home production of over a million dollars; total imports for the entire industry in 1919, \$254,298; total home production, \$18,292,000; exports, \$1,391,765. Total imports for 1920 were \$484,020; exports, \$1,477,831. I have not the figure for the home production, but it is safe to say that it has continued to increase. Total imports for the first nine months of 1921 were \$325,000; exports, \$347,306. I have not been able to find the production figures for 1921, but it may be reasonably inferred that the industry continued to grow and continued to outstrip imports in a ratio of something like 40 to 1. With home production forty times greater than imports a feeble case indeed has been made for protection.

The House committee decided that a rate of 35 per cent ad valorem should be imposed on all these carbon products, and its action was sustained by the House.

The Senate committee increased the rate to 45 per cent, without any hearing, in so far as I have been able to ascertain. I can not find any hearings on the earthenware schedule before the Senate Committee on Finance where the subject was mentioned, and yet the Senate committee increased the rate allowed by the House committee and adopted by the House from 35 per cent ad valorem to 45 per cent ad valorem.

Mr. President, it is the statement of Mr. Ingalls, one of the most reliable and careful students of American industry, that the electrical industry in all its phases is one of the most prosperous of all American industries; that it has grown literally by leaps and bounds; that it has doubled itself every five years within the last 20 or 30 years.

The existing law imposes an ad valorem rate of about 25 per cent on carbons. The act of 1909 imposed a rate on certain forms of carbon of 30 per cent ad valorem, and on other forms of carbon of 20 per cent ad valorem, and on still other forms it imposed a specific duty. Under the Treasury decisions, however, those who are interested in this industry claim that they have not been able to obtain the benefit of those duties; and yet, despite the adverse Treasury decisions, despite the low rates which were levied on competing imports, this industry has grown more rapidly perhaps than has any other industry in America. Nevertheless, the House committee increased the rate to 35 per cent ad valorem, and the Senate committee, evidently without any further evidence, increased the rate on the industry and on various forms of carbon to 45 per cent ad valorem.

The Senate committee has made out no case whatever for protection. It may be that a certain amount of revenue could be raised from a duty of 20 or 25 per cent ad valorem. Therefore I move to amend the amendment of the committee by striking out "45 per cent" and inserting "25 per cent," which is the existing rate, and under which the industry has continued to grow and prosper as, perhaps, has no other industry in the country. On the amendment I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WARREN in the chair). There is a committee amendment in the paragraph before the point indicated by the Senator from Texas. The committee amendment will be stated.

The READING CLERK. On page 38, line 19, after the word "whereas," it is proposed to strike out "(composed" and to insert the word "composed."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 38, line 20, after the words "carbon or," to strike out "graphite)" and insert "graphite."

Mr. SHEPPARD. Mr. President, I desire at this point to direct the attention of the chairman of the committee to the suggestion in the Summary of the Tariff Commission on page 306.

Mr. McCUMBER. It is with a view to the change suggested by the Tariff Commission on page 306 of the Tariff Summary that we propose to strike out the parenthesis.

Mr. SHEPPARD. The committee has made that motion?

Mr. McCUMBER. That is the amendment now under consideration.

Mr. WALSH of Montana. Mr. President, I do not desire to discuss this provision further than to call attention to the fact—

Mr. McCUMBER. If the Senator will excuse me for a moment, I wish to know whether we have agreed to the first amendment, whereby "(composed)" was stricken out and the word "composed," without the parenthesis, inserted in lieu thereof?

The PRESIDING OFFICER. That has been agreed to.

Mr. McCUMBER. Then, if there is no objection, I hope we may agree to the amendment proposing to strike out "(graphite)" and to insert in lieu thereof the word "graphite" without the parenthesis.

The PRESIDING OFFICER. Without objection, that amendment is agreed to.

The READING CLERK. The next amendment of the Committee on Finance is on page 38, line 21—

Mr. WALSH of Montana. Mr. President, graphite, of course, enters very largely into the construction of electrodes, as is indicated in the paragraph under consideration.

Mr. McCUMBER. Mr. President, I will ask the Senator if he has any objection to the amendment striking out the parenthesis?

Mr. WALSH of Montana. No; I have no objection to that amendment.

The PRESIDING OFFICER. The amendment was agreed to in the absence of objection.

Mr. WALSH of Montana. I merely wish to call attention to the provisions of the bill included in the parentheses which are now eliminated and to the feature of this paragraph embracing the consideration of the subject of graphite which is taken care of by paragraph 213a on the preceding page. I shall have something more to say on that subject when we reach it, but I simply remark here that a very high quality of graphite, equal to the best Ceylon graphite, is produced in the State of Montana. The industry was developed during the war. The ordinary American graphite is not very serviceable in the manufacture of crucibles for use in the production of steel and other foundry products, but the Montana graphite meets all the specifications. It is an infant industry and one that might very properly be encouraged.

Mr. McCUMBER. I do not want to disturb the Senator, but may I ask him if he is not considering the lump or plumbago graphite provided for in paragraph 213a?

Mr. WALSH of Montana. No. I have said that when that paragraph is reached I shall speak on it in some detail. I am now simply calling attention to the fact that the producers of the domestic material, the development of which certainly ought to be encouraged in every possible way, were denied anything like protection upon their product. They are given 10 per cent ad valorem, which means nothing at all, but the manufactured article, electrodes, into which this raw product enters, is protected by a duty of 45 per cent.

We understand, by repeated asseverations upon the other side, that the purpose is to encourage and protect every American industry, and that the manufacturer is not to be preferred at all over the producer of the raw material. I have invited attention heretofore to the fact that manganese, another important product of the State of Montana, utilized in the manufacture of steel and entering into its composition, has been placed upon the free list. Graphite, another raw product of my State used in the same industry, has been given a rate of duty of 10 per cent, while the manufactured product of which the graphite is a large constituent is given 45 per cent under the provision we are now considering.

Mr. FRELINGHUYSEN. Mr. President, may I ask the Senator a question? Is the finer quality of amorphous graphite produced in his State? Has he information to that effect? I understood that the crystalline flake graphite was a coarser graphite, used by the steel makers in making crucible steel in this country, but that the finer graphite, used for lubricating,

was not produced in this country, and that was the information the committee had. It will be highly interesting if it is so.

Mr. WALSH of Montana. The competition comes largely from the Ceylon graphite, which is particularly valuable in the construction of crucibles.

Mr. FRELINGHUYSEN. Is it similar to the Ceylon graphite?

Mr. WALSH of Montana. It is similar to the Ceylon graphite, and that comes in in large quantities, and during the war shipments were made from Montana directly to Pittsburgh.

Mr. FRELINGHUYSEN. That is very interesting, indeed, as I was informed that none of that type of graphite was produced in this country, or very little.

Mr. WALSH of Montana. The documents available to the Senator disclose the fact as I have stated it.

Mr. SHEPPARD. Mr. President, did the Senator from Montana understand that the language within the parentheses was eliminated?

Mr. WALSH of Montana. Oh, no. As I understand, it reads now—

And articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for, 45 per cent ad valorem.

Mr. SHEPPARD. That is correct.

Mr. WALSH of Montana. That is to say, the miner is given a 10 per cent duty on the graphite, but the manufacturer of electrodes is given 45 per cent on the product into which this graphite enters. Can the Senator tell me what State produces the greatest quantity of this product?

Mr. SHEPPARD. Does the Senator mean the raw material of carbon?

Mr. WALSH of Montana. No, no; the carbons and electrodes.

Mr. SHEPPARD. A number of States—Pennsylvania, West Virginia, New York—produce these articles, but in exactly what proportion I am unable to say.

Mr. WALSH of Montana. The General Electric Co.?

Mr. SHEPPARD. The General Electric Co. in New York may make some of these products.

Mr. WALSH of Montana. So that the General Electric Co. is protected to the extent of 45 per cent and the Montana miner to the extent of 10 per cent?

Mr. SHEPPARD. Exactly. The companies making the finished product get this preference.

Mr. SMOOT. Mr. President, of course the Senator knows that that is crystalline lump, chip, or dust, 20 per cent ad valorem, in paragraph 213a, and before they can be manufactured they have to go through that process.

Mr. WALSH. Oh, but that is the manufactured article.

Mr. SMOOT. No, no.

Mr. WALSH of Montana. Yes; that is crystalline lump.

Mr. SMOOT. That is the ore made into crystalline lump, chip, or dust.

Mr. WALSH of Montana. To be sure; it is treated.

Mr. SMOOT. Then the carbons and electrodes are manufactured from that product, and there is not the difference that the Senator says.

Mr. SHEPPARD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Senator from Texas proposes an amendment to the amendment of the committee, which will be stated.

The READING CLERK. On page 38, line 21, in the committee amendment, the Senator from Texas proposes to strike out "45" and to insert "25."

The PRESIDING OFFICER. On that amendment the Senator from Texas requests the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, I simply want to call attention to one table in the report of the Tariff Commission covering the articles included under the term "composed chiefly of lampblack or retort carbon."

I notice that in 1918 we imported 2,400 feet; in 1919, 322,400 feet; and a like increase in 1920. Then, in the first nine months of 1921, we imported 55,572,300 feet. At the same rate the year's importations for 1921 would be 74,096,400 feet, as against 2,400 feet in 1918. Nineteen hundred and eighteen, of course, was during the war, and the importations would necessarily, as they mostly come from Germany, be very light; but taking the highest importations prior to the war, they were 17,606,380 feet, and this has suddenly jumped in a single year to 74,096,400, or about 500 per cent.

Mr. SHEPPARD. Can the Senator give us the home production for the first nine months of 1921?

Mr. McCUMBER. I have not it right here.

Mr. SHEPPARD. Why does the Senator say "55,000,000"? The figures seem to be "555,000."

Mr. McCUMBER. No; that is multiplied by 100. Those represent that many hundred feet.

Mr. SHEPPARD. Where is the statement to that effect?

Mr. McCUMBER. Right at the head of the column. If the Senator will run the column up to the head, he will see that it says "100 feet," and therefore where it says "4" I gave it as "400 feet."

Mr. SHEPPARD. Does the same thing apply to the next column, in the matter of dollars—\$177,000,000 instead of \$177,000?

Mr. McCUMBER. No; not on dollars. This hundred is simply added in the case of feet. This is so many hundred feet. It goes by hundred feet rather than simply by so many feet. By multiplying by 100 in the case of each item you have the figures which I have just given.

Mr. SHEPPARD. Then I want to call the Senator's attention to an apparent contradiction in the figures there. Referring to the year 1920, the table states that 41,000—or 41,000,000 feet, as the Senator would read it—were imported, valued at \$217,000.

Mr. McCUMBER. That would be 4,100,000, if you multiply that by 100.

Mr. SHEPPARD. And the valuation was \$217,000; yet, for the first nine months of 1921—where, as the Senator states, the imports were 55,000,000 feet—the value is only \$177,000.

Mr. McCUMBER. That would indicate just the reason why we are asking for this protection. The Senator will see that 4,186,800 feet were landed in 1920 at a cost of \$217,947, whereas the 55,572,300 feet in 1921 came in at only \$177,428, showing the enormous reduction in cost in Germany and in the inventory as the articles are brought into the United States.

Mr. SHEPPARD. Unless the Senator can give us the figures of the home production and the value of the home production we are not in position to judge the situation accurately. Besides, he is referring to but one of the carbon products, and the industry is treated as a whole in the bill. The rate proposed applies to all these carbon products.

Mr. McCUMBER. I have not the home production of this particular article. The value of the carbons for electric lighting produced in the United States in 1914 was only about \$800,000; but in the case of the lampblack or retort carbons, these amounted in 1913 to 17,600,000 feet and in 1914 to 15,690,763 feet, whereas at the present time we have 74,096,000 feet of importations and at a price so low that that amount does not produce anything near what only a small fraction of the same importation produced in 1920.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Texas or the Senator from North Dakota if there was a corresponding decline in the value of the domestic production? Evidently, from the figures the Senator from North Dakota has given, after the war the foreign article came down in value; but no figures have been given to show whether or not the same thing happened here.

Mr. SHEPPARD. Not at all as to this particular form of carbon.

Mr. McCUMBER. Mr. President, necessarily they either must go down in order to compete when the articles compete in price, or else they have to close business. One of two things must necessarily follow.

Mr. NORRIS. I assume that they have gone down.

Mr. McCUMBER. I have no doubt that they have gone down enormously since then.

Mr. NORRIS. Yes. In other words, I fear that the House rate is based on a war price in America, compared to an after-war price in a foreign country.

Mr. SHEPPARD. I call the attention of the Senator from Nebraska to the fact that during the first nine months of 1921 we exported these carbons to the value of \$347,000; so it would seem that the industry has not been seriously affected by the importation.

Mr. NORRIS. In those nine months we exported, as I remember, more than we imported. Is that correct?

Mr. SHEPPARD. Yes; that is true. So it would seem that the industry is not suffering on account of the importations.

Mr. NORRIS. It would seem to me from that that it would not be necessary to make this wonderfully high increase here.

Mr. SHEPPARD. That is my contention.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Texas to the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). Making the same announcement as on the former vote as to my pair and its transfer, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as to my pair and its transfer, I vote "nay."

Mr. DIAL (when Mr. ROBINSON's name was called). I make the same announcement as to the pair of the Senator from Arkansas [Mr. ROBINSON] as on the previous vote. If he were present and not paired, he would vote "yea."

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. DU PONT], I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). I transfer my general pair with the junior Senator from Arizona [Mr. CAMERON] to the senior Senator from Missouri [Mr. REED] and vote "yea."

The roll call was concluded.

Mr. MCKINLEY. I transfer my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER] and vote "nay."

Mr. LODGE. I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Pennsylvania [Mr. CROW] and vote "nay."

Mr. HARRIS. I transfer my pair with the junior Senator from New York [Mr. CALDER] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. GLASS. Making the same transfer of my pair as on the preceding vote, I vote "yea."

Mr. HARRISON. Has the junior Senator from West Virginia [Mr. ELKINS] voted?

The VICE PRESIDENT. He has not voted.

Mr. HARRISON. I transfer my pair with that Senator to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

The roll call resulted—yeas 16, nays 31—as follows:

YEAS—16.

Dial	Harrison	Overman	Stanley
Fletcher	Heflin	Ransdell	Walsh, Mass.
Glass	Hitchcock	Sheppard	Walsh, Mont.
Harris	Norris	Simmons	Watson, Ga.

NAYS—31.

Ball	Hale	McCumber	Phipps
Brandeggee	Jones, Wash.	McKinley	Poindexter
Capper	Kellogg	McLean	Smoot
Curtis	Kendrick	McNary	Sterling
Ernst	Keyes	Nelson	Sutherland
France	Ladd	Newberry	Townsend
Frelinghuysen	Lenroot	Nicholson	Warren
Gooding	Lodge	Oddie	

NOT VOTING—49.

Ashurst	Edge	New	Spencer
Borah	Elkins	Norbeck	Stanfield
Broussard	Fernald	Owen	Swanson
Bursum	Gerry	Page	Trammell
Calder	Harrell	Pepper	Underwood
Cameron	Johnson	Pittman	Wadsworth
Caraway	Jones, N. Mex.	Pomerene	Watson, Ind.
Colt	King	Rawson	Weller
Crow	La Follette	Reed	Williams
Culberson	McCormick	Robinson	Willis
Cummins	McKellar	Shields	
Dillingham	Moses	Shortridge	
du Pont	Myers	Smith	

The VICE PRESIDENT. On this question the yeas are 16 and the nays are 31. A quorum has not voted. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Harris	McKinley	Sheppard
Brandeggee	Harrison	McLean	Simmons
Capper	Heflin	McNary	Smoot
Curtis	Hitchcock	Newberry	Stanley
Dial	Jones, Wash.	Nicholson	Sterling
Ernst	Kellogg	Norris	Sutherland
Fletcher	Kendrick	Oddie	Townsend
France	Keyes	Overman	Wadsworth
Frelinghuysen	Ladd	Phipps	Walsh, Mass.
Gooding	Lodge	Poindexter	Walsh, Mont.
Hale	McCumber	Ransdell	Warren

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and Mr. LENROOT answered to his name when called.

Mr. SHORTRIDGE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to their names. A quorum is not present.

Mr. McCUMBER. Mr. President, I move that the Sergeant at Arms be directed to procure the attendance immediately of those Senators who are absenting themselves from the Chamber.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is so ordered. Mr. LA FOLLETTE, Mr. SHIELDS, Mr. BURSUM, and Mr. RAWSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from Texas [Mr. SHEPPARD] to the committee amendment, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.
Mr. DIAL (when his name was called). Making the same announcement as before as to my pair and transfer, I vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Missouri [Mr. REED] and vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "nay."

Mr. LODGE (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. MCKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on previous votes, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. DIAL. I desire to make the same announcement as to the Senator from Arkansas [Mr. ROBINSON] as on former votes. If the Senator from Arkansas were present, he would vote "yea."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 15, nays 35, as follows:

YEAS—15.

Dial	Heflin	Ransdell	Stanley
Fletcher	La Follette	Sheppard	Walsh, Mass.
Harris	Norris	Shields	Walsh, Mont.
Harrison	Overman	Simmons	

NAYS—35.

Ball	Gooding	McCumber	Rawson
Brandeggee	Hale	McKinley	Shortridge
Broussard	Jones, Wash.	McLean	Smoot
Bursum	Kellogg	McNary	Sterling
Capper	Kendrick	Newberry	Sutherland
Curtis	Keyes	Nicholson	Townsend
Ernst	Ladd	Oddie	Wadsworth
France	Lenroot	Phipps	Warren
Frelinghuysen	Lodge	Polindexter	

NOT VOTING—46.

Ashurst	Elkins	Myers	Spencer
Borah	Fernald	Nelson	Stanfield
Calder	Gerry	New	Swanson
Cameron	Glass	Norbeck	Trammell
Caraway	Harrel	Owen	Underwood
Colt	Hitchcock	Page	Watson, Ga.
Crow	Johnson	Pepper	Watson, Ind.
Culberson	Jones, N. Mex.	Pittman	Weller
Cummins	King	Pomerene	Williams
Dillingham	McCormick	Reed	Willis
du Pont	McKellar	Robinson	
Edge	Moses	Smith	

So Mr. SHEPPARD's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, I hope the Sergeant at Arms will not consider that the order which has been made ceases to be in force when there has been no recision on the part of the

Senate. I shall ask later in the evening that the Sergeant at Arms make a report, because we ought to know why we can not keep Senators in the Chamber when there are more than a sufficient number to make a quorum at all times.

Mr. President, I now ask that the Senate consider paragraph 210.

The VICE PRESIDENT. The first amendment of the Committee on Finance in the paragraph will be stated.

The READING CLERK. On page 35, paragraph 210, line 19, after the word "manner," it is proposed to insert "25 per cent ad valorem; ornamented, incised, or decorated in any manner."

Mr. FLETCHER. Mr. President—

Mr. McCUMBER. Mr. President, before the Senator from Florida proceeds, let me explain that there are practically three classes of articles with different rates of duty embraced in the paragraph as it now stands with the amendment. On a certain class the duty proposed is 25 per cent ad valorem, as compared to a rate under the Underwood law of 15 per cent ad valorem. On another class, namely, decorated, the duty under the Underwood law is 20 per cent ad valorem, and under the Senate committee amendment 40 per cent ad valorem. Rockingham earthenware under the present Underwood law carries a 30 per cent ad valorem duty.

Now, I desire to make some changes in this paragraph. The first change will be to modify the first Senate committee amendment by striking out the numeral "25" and inserting in lieu thereof the numeral "15."

The duty will then be just the same as that in the present law. Secondly, I shall ask that the Senate disagree to the amendment on page 35, line 22. That will reinstate the Underwood law rate of 20 per cent. The third amendment will be to add at the end of line 23 the words "and Rockingham earthenware, 25 per cent ad valorem." That will be a less rate than that imposed by the present Underwood law. So on two classes of commodities the rate will be the same as in the Underwood law and on the third class the rate would be 5 per cent ad valorem less than in the Underwood law.

I will first move, on page 35, line 19, to strike out "25" and to insert in lieu thereof "15."

Mr. FLETCHER. Mr. President, I desired to make an inquiry of the Senator from North Dakota. I did not rise for the purpose of discussing the paragraph now before the Senate. I wished to inquire of the Senator from North Dakota whether he was going to pass over for the present paragraphs 211 and 213a? I have been requested to pay some attention to those paragraphs, and I wish to regulate my own movements. I want to ascertain whether or not those paragraphs will come up to-night?

Mr. McCUMBER. The Senator from North Carolina [Mr. SIMMONS] has asked that we pass over to paragraph 227, and I have agreed to do that. That is the paragraph relative to optical glasses.

Mr. FLETCHER. So the paragraphs to which I refer will not come up until after that paragraph shall have been considered?

Mr. McCUMBER. No; not just now.

Mr. FLETCHER. But will it come up later during the evening or will it go over until to-morrow? I should like to know.

Mr. McCUMBER. That is the paragraph which the Senator from Washington [Mr. POINDEXTER] desired to discuss, and as he has not been very well recently, I have agreed to let the paragraph go over for a day or two.

Mr. POINDEXTER. To which paragraph is the Senator from Florida referring?

Mr. FLETCHER. I had reference to paragraphs 211 and 213a. They might be considered now.

Mr. POINDEXTER. I am not asking that those paragraphs go over. The paragraph of magnesite is the only one that I asked to have go over.

Mr. FLETCHER. That is paragraph 204a.

Mr. McCUMBER. We may then return to paragraph 211 after we shall have considered paragraph 227, if that is agreeable.

The first amendment which I offer is to strike out "25" and insert in lieu thereof "15," in paragraph 210.

Mr. WALSH of Montana. Mr. President, I congratulate the chairman of the committee—and the country, for that matter—upon the change which he has suggested. I find that it is difficult to understand how the committee could ever have been led to suggest the amendments which they propose. This paragraph deals with "common yellow, brown, or gray earthenware made of natural, unwashed, and unmixed clay, plain or embossed; common salt-glazed stoneware; stoneware and earthenware crucibles," and so forth and so forth—the ordinary dishes of the household, cups and saucers, plates, and other like vessels that are necessities in every home. These articles under the

Underwood law carried duties of 15 and 20 per cent; that is, 15 per cent when they are plain and 20 per cent when they are ornamented or decorated in any way. The House bill imposed a duty of 20 per cent on all of them without distinction as to decoration or ornamentation, but the Senate committee concluded to increase the rate fixed by the Underwood law upon the plain crockery 66½ per cent and on the decorated or ornamented crockery 100 per cent, making the rates 25 per cent and 40 per cent, respectively.

Mr. McCUMBER. Mr. President, the Senator should modify his last statement. His first statement, of course, is correct, but in connection with his last statement he must recall that the House rate is 20 per cent upon the American valuation, and 40 per cent on the foreign valuation would not be any increase of duty of at least 100 per cent.

Mr. WALSH of Montana. I was comparing the rate proposed by the Senate committee with the rate fixed in the existing law.

Mr. SMOOT. The Senator is right from that standpoint.

Mr. WALSH of Montana. The Senate committee propose an increase upon the plain ware of 66½ per cent over the present rate and on the ornamented or decorated ware of 100 per cent over the existing rate, increasing the duty from 20 per cent to 40 per cent, and that, Mr. President, in view of the fact that the domestic production is enormous and the imports are negligible.

Mr. DIAL. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

Mr. DIAL. Is that the material out of which flower jars are made?

Mr. WALSH of Montana. Yes; that is, plain flower jars. There are fancy flower jars which are taken care of in two subsequent paragraphs.

Mr. DIAL. So that it would seem that we shall not be able to have a few flowers without a tariff duty being imposed on the flower jars.

Mr. WALSH of Montana. No. "Red earthenware, usually porous, is made from red burning clays." That is the material of which flower pots are usually made, and that is covered by this paragraph.

Mr. SMOOT. Mr. President, do I understand the Senator to intimate that he desires to reduce these rates lower than those of the existing law?

Mr. WALSH of Montana. No; I am quite content to leave them as the committee now propose to fix them.

Let me call attention to the fact that of this particular kind of ware there was produced in this country, in 1914, \$4,409,205 worth; in 1916, \$4,852,639 worth; in 1918, \$5,361,025 worth; and in 1920, \$7,242,579 worth—a very gratifying growth, as will be observed, in the production. On the other hand, the importations were as follows:

In 1918 earthenware not decorated, ornamented, or incised in any manner to the extent of \$5,251 was introduced.

The importations of earthenware, decorated, ornamented, or incised in any manner, and manufactures of such ware, in 1918 were \$2,726. The importations of crucibles of stone and earthenware in 1918 were \$3,019. So that practically \$10,000 worth of these things was imported in 1918; in 1919 there was a little more; in 1920 there was about \$30,000 worth; in 1921 about \$21,000 worth, the quantity being entirely negligible.

I suppose this must have been a mere inadvertence on the part of the committee, because I can not conceive that, considering the facts laid before them by the Tariff Commission, they would ever have thought of imposing this tremendous burden upon a household necessity and upon every household in the country; so I feel highly gratified and pleased that the Senate committee has concluded not to raise the rates on this class of articles.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from North Dakota, on behalf of the committee, to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. I ask that the Senate disagree to the committee amendment on page 35, line 22.

Mr. WALSH of Montana. Would not the proper procedure be simply to submit the amendment?

Mr. McCUMBER. I am not going to make a formal motion, but I simply ask the Senate to disagree to the committee amendment.

The VICE PRESIDENT. The next amendment will be stated.

The next amendment was, on page 35, line 22, after the words "provided for," to strike out "20" and insert "and Rockingham earthenware, 40," so as to read:

And manufactures wholly or in chief value of such ware, not specially provided for, and Rockingham earthenware, 40 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McCUMBER. I now move to add, after the words "ad valorem," the words "and Rockingham earthenware, 25 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota on behalf of the committee.

The amendment was agreed to.

Mr. McCUMBER. I now ask that we turn to page 45, paragraph 227.

Mr. WALSH of Montana. Mr. President, before passing to that, something was said concerning paragraph 211 and the related paragraph 213a. There are a number of Senators who desire to say something on those paragraphs who are not prepared to discuss them this evening. I should like to inquire of the Senator if it would be agreeable to him to let those stand over?

Mr. McCUMBER. I understand that there was some Senator—I do not remember now which one it was—who desired to have those passed over some time ago. I do not know whether that Senator is ready to go on or not.

Mr. NICHOLSON. I wanted to go on to-morrow morning.

Mr. McCUMBER. The Senator from Colorado informs me that he desires to take up that subject to-morrow morning; and the Senator from North Carolina has asked that we consider paragraph 227, if it is agreeable. I ask that the Secretary state the first amendment in paragraph 227.

The PRINCIPAL LEGISLATIVE CLERK. On page 45, line 19, after the word "optical," it is proposed to strike out "glass" with a comma, and to insert "glass."

The amendment was agreed to.

The PRINCIPAL LEGISLATIVE CLERK. On page 45, line 21, it is proposed to strike out "equipment" and to insert "equipment" with a comma.

The amendment was agreed to.

The PRINCIPAL LEGISLATIVE CLERK. On the same line, after the word "or," where it occurs the second time, it is proposed to insert the word "for."

The amendment was agreed to.

The PRINCIPAL LEGISLATIVE CLERK. On page 45, line 22, it is proposed to strike out "35" and to insert "55," so as to make the paragraph read:

Optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment, or for optical parts, scientific or commercial, in any and all forms, 55 per cent ad valorem.

Mr. SHEPPARD. I move to amend the committee amendment by inserting, in lieu of "55," the figures "25."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas to the amendment of the committee.

Mr. SHEPPARD. Mr. President, the Republican tariff act of 1919 contained a paragraph to the effect that glass plates or disks, rough cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use, should be admitted free of duty, provided that such disks exceeding 8 inches in diameter might be polished sufficiently to enable the character of the glass to be determined.

The Democratic tariff act of 1913, the act now in force, reenacted this paragraph without change. In other words, the Payne-Aldrich Act of 1909 placed this article on the free list. The Democratic tariff act of 1913 contained the same provision.

Mr. SMOOT. Mr. President, I suppose the Senator knows that at that time we had no industry in the United States. It has been developed entirely since that date.

Mr. SHEPPARD. I am coming to that. I am merely referring to these former acts in order to give the recent history of the tariff on this question.

The Republican tariff bill of 1922, as it passed the House, levies a duty of 35 per cent ad valorem on optical glass or glass used in the manufacture of lenses or prisms for spectacles, or for optical instruments or equipment or optical parts, scientific or commercial, in any and all forms.

This Republican bill of 1922, as reported to the Senate, increases the House rate from 35 per cent ad valorem to 55 per cent ad valorem.

Optical glass is one of the most important articles of human use. It is one of the supreme physical essentials of scientific progress. It has supplemented and strengthened the fragile organs of mortal vision to an extent almost impossible to measure. It has made possible the microscope, the telescope, the field glass, the range finder, the modern gun sight, the periscope, the aiming circle, the photographic lens, the control and direction of troop movements, and artillery fire. It is

therefore a fundamental element of national defense. In supporting and relieving the eye it becomes a beneficent factor in the health and efficiency of humankind.

It was not produced in any substantial degree in the United States before 1918. Our entry into the war the year before necessitated urgent endeavors to establish industries here for the making of optical glass. With the assistance of the Government and certain noted scientists, four establishments were erected with a combined capacity equal to our requirements. During the seven months, from April to October, 1918, these establishments turned out 475,924 pounds of this glass.

American manufacturers, according to the Tariff Commission, have developed formulas and processes for practically every kind of optical glass. There are practically no exports, while imports for the first 10 months of 1920 had a value of nearly \$750,000. Imports from England amounted to \$393,967, from Germany \$152,166, from France \$136,456. Home production amounts to about \$250,000 per annum, if my inferences from the meager testimony on this phase of the subject are correct.

I have been unable to find in any of the data before Congress and the Senate and House committees a definite statement as to the amount of home production in 1920.

I ask the Senator from Utah if he has any data as to the home production of this article in 1920?

Mr. SMOOT. I do not think we have any information since that time.

Mr. SHEPPARD. I have been unable to find the home production for 1920 in any of the hearings or reports.

Mr. SMOOT. The Senator will notice, however, the great increase in imports.

Mr. SHEPPARD. That is true; and I am also coming to that phase of the question.

Mr. SMOOT. As soon as the Senator gets through, I will make a short statement.

Mr. SHEPPARD. This is undoubtedly a new industry in the United States, and undoubtedly some measure of protection is justifiable from a sound economic viewpoint. It will be illuminating at this point to give the Senate the comment of the Tariff Commission on this particular phase of the subject:

Says the Tariff Commission:

This new industry in the United States has the materials, the scientific knowledge, the equipment, and the capacity to compete with some of the best products of foreign manufacture. During the past three years Germany has been shut out of our market and American manufactures have perfected and increased their output.

We have not as yet produced all of the varieties required for domestic consumption; we are still (1918) obliged to import about one-half of the normal amounts (1913-14) of unwrought and rough cut optical glass and in addition large quantities of optical glass in a finished condition as parts of optical instruments. In December, 1917, we were making but a few fundamental varieties of optical glass. At that time a scientific authority stated—

And I desire to say that that authority was the Metallurgical and Chemical Engineering Journal for December 15, 1917—

At that time a scientific authority stated that "the four most necessary varieties of glass, to wit, a very light and transparent crown suitable for field-glass prisms, an ordinary crown of slightly higher index, a typical heavy flint, and a typical light flint, are already in production. The two next in importance are a heavy baryta crown and a light baryta flint used particularly in photographic lenses, and these, we learn, are under way, with every prospect of reaching suitable commercial developments. If a good supply of well-annealed material, even of the half-dozen sorts here enumerated, can be had, the country will be in pretty good shape to make its own optical instruments. The matter of suitable mixing and annealing for the production of disks of large size may be trusted to the future."

It was not until after five years of scientific research and experiment that the Jena works, of Germany, developed 28 new kinds of optical glass. This firm had the advantage of 25 years' experience in producing optical glass, and in this field was practically without a competitor. It is not reasonable to expect that American manufacturers and scientists could in less than three years attain the required standards of knowledge and efficiency to meet the demands of domestic consumption and the inroads of foreign competition.

During the war the optical industries of Germany, France, and England have been driven to a high state of industrial activity and the scientific precision essential in the production of perfect optical glass. Under the tariff act of 1913 optical glass is admitted free of duty into the United States. The new American industry under such conditions is unequal to the task of engaging in successful competition with the output of the highly developed industry and the experienced scientists and manufacturers of the countries named.

Such is the comment of the Tariff Commission on the condition of this industry at the present time. Undoubtedly the superior experience and the long period of operation of factories in foreign countries make it impracticable at present for the new enterprises in this country, industries only three or four years old, to compete with them successfully. Consequently, the question is, What is a reasonable tariff rate?

One of the manufacturers of this article, optical glass, appeared before the Ways and Means Committee of the House and stated that as nearly as he could determine, and as nearly as his company could determine, European prices ranged from

40 to 70 per cent of our prices. That gentleman was Mr. Harvey N. Ott, of the Spencer Lens Co., of Buffalo, N. Y.

It seems that the House committee took him practically at his word. It would seem to be the part of prudence, in granting protection, to discount to some extent the claims of those directly interested. Nobody else appeared before the House committee except this interested manufacturer, and the House committee gave him practically what he asked—35 per cent. I take it that it would be a prudent thing to discount what he said at least 10 per cent, and that a rate of 25 per cent would be proper and legitimate under the circumstances.

When the bill reached the Senate, the same gentleman appeared before the Senate Finance Committee and asked for protection on optical glass by a rate of 50 per cent, and the Senate committee gave him 55 per cent.

Mr. SMOOT. He asked 50 per cent on the American valuation.

Mr. SHEPPARD. This is his testimony before the Senate Finance Committee.

Mr. SMOOT. I am perfectly aware of that; and it was on the American valuation.

Mr. SHEPPARD. He said nothing about that in his testimony.

Mr. SMOOT. If the Senator desires, I can call his attention to it, and then he will not make such a statement.

Mr. SHEPPARD. I will read the testimony.

Mr. SMOOT. I have it here.

Mr. SHEPPARD. I have it, too.

Mr. SMOOT. He said:

In the present bill, as it passed the House, there is a duty of 35 per cent ad valorem on optical glass. That is, of course, based on the American valuation. It helps out considerably over what it would be under the old valuation, but the unfortunate part of it is that of six of the more important kinds of optical glass our average cost is now \$2.43 per pound, due to some extent to recent increase in cost of natural gas. On the other hand, the average import price, or quotations, other dealers have been getting on these glasses plus 35 per cent ad valorem American valuation amounts to \$2.20 per pound. In other words, the average cost of these six kinds of glass is 23 cents more than they can be imported for on the 35 per cent ad valorem rate. We therefore ask for a 50 per cent duty—

On the American valuation.

Mr. SHEPPARD. Then he must have been asking for an outrageously high rate. It is clear from his testimony that his request of the House committee was based on the House standard—that is, American valuation—but that his request of the Senate committee was based on the Senate committee's standard. The percentages, if added to the American valuation, will be much higher than they are when based on the standard adopted by the Senate committee. But he asked for a higher rate from the Senate committee.

Mr. SMOOT. I am perfectly aware of that. I want the Senator to know that he asked for 50 per cent on the American valuation, and that the Senate committee gave him 55 on the foreign valuation.

Mr. SHEPPARD. I intended to quote from his testimony and to make the point that a man who would ask for a rate of that kind could not well be trusted to present the situation accurately and properly. I mean no personal reflection. He would be unconsciously influenced by self-interest.

Mr. SMOOT. I want to say to the Senator that his testimony was not all that we had before the committee. Some of the Government officials were very much interested in this item. The Senator, of course, knows that we were left almost helpless when the war came on, and the Government of the United States, in order to get the industry established at all, advanced money for that very purpose.

Mr. SHEPPARD. I have outlined the difficulties we encountered during the war, and I have said that this industry having been developed during the war, and being of great importance, ought to have a rate which would aid it to develop until it could compete with the foreigners. The only testimony in the hearings is the testimony of this interested manufacturer, and the other testimony to which the Senator refers is not in these hearings.

I ask for the yeas and nays on my amendment.

Mr. SMOOT. What is the Senator's amendment?

Mr. SHEPPARD. To reduce the rate to 25 per cent.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. Mr. President, before the yeas and nays are called, I want to say to the Senator from Texas that he does not understand the plight this country was in when we entered the war, and the imports of this optical glass from Germany were cut off.

Mr. SHEPPARD. I have referred to that.

Mr. FRELINGHUYSEN. There were four manufacturers in this country who undertook, under the direction of scientists

and Army officers, to supply the demand. This glass is very necessary in warfare, as the Senator knows. These industries were established, and to-day, with Germany practically having had control of the market prior to the war, this highly technical industry having been established in the United States, the question is whether we are to be independent of any foreign country, develop the industry here, and protect ourselves against the low-production cost in Germany.

From the standpoint of national defense, it is necessary that this proper protection be given. Of course, if the Senator wants to imperil the industry by putting a rate of 25 per cent on the article, which I am informed is too low, he is entitled to his viewpoint, but after the House had studied the question of the American valuation, they gave them 25 per cent on the American valuation. We are competing with very low production costs abroad in this optical-glass matter, and 55 per cent is the essential tariff, based upon the foreign valuation.

Mr. SHEPPARD. The representative of the optical glass firm who appeared before the committee asked for only 50 per cent. They gave him 55. He asked for bread, and they gave him cake.

The principal legislative clerk proceeded to call the roll.

Mr. DIAL (when his name was called). Making the same announcement as before, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. McKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY], which I transfer to the senior Senator from California [Mr. JOHNSON], and vote "nay."

Mr. DIAL (when Mr. ROBINSON's name was called). I make the same announcement as before with reference to the pair of the Senator from Arkansas [Mr. ROBINSON]. If he were present and not paired, he would vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). I make the same announcement as on the previous vote with reference to my pair and its transfer, and vote "nay."

Mr. WATSON of Georgia (when his name was called). I transfer my pair with the junior Senator from Arizona [Mr. CAMERON] to the junior Senator from Rhode Island [Mr. GERRY] and vote "yea."

The roll call was concluded.

Mr. LODGE. Making the same announcement as before as to the transfer of my pair, I vote "nay."

Mr. EDGE (after having voted in the negative). I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Iowa [Mr. CUMMINS] and allow my vote to stand.

Mr. HARRIS. Making the same announcement as before, I vote "yea."

Mr. HARRISON. I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. JONES of New Mexico. Making the same announcement as previously with reference to the transfer of my pair, I vote "yea."

The result was announced—yeas 14, nays 38, as follows:

YEAS—14.

Dial	Heflin	Sheppard	Walsh, Mass.
Fletcher	Jones, N. Mex.	Shields	Watson, Ga.
Harris	La Follette	Simmons	
Harrison	Overman	Stanley	

NAYS—38.

Ball	Hale	McKinley	Rawson
Brandeggee	Harrell	McLean	Shortridge
Bursum	Jones, Wash.	McNary	Smoot
Capper	Kellogg	Moses	Sterling
Curtis	Kendrick	Newberry	Sutherland
Edge	Keyes	Nicholson	Townsend
Ernst	Ladd	Oddie	Wadsworth
France	Lenroot	Page	Warren
Frelinghuysen	Lodge	Pepper	
Gooding	McCumber	Phipps	

NOT VOTING—44.

Ashurst	du Pont	Nelson	Smith
Borah	Elkins	New	Spencer
Broussard	Fernald	Norbeck	Stanfield
Calder	Gerry	Norris	Swanson
Cameron	Glass	Owen	Trammell
Caraway	Hitchcock	Pittman	Underwood
Colt	Johnson	Poindestre	Walsh, Mont.
Crow	King	Pomerene	Watson, Ind.
Culberson	McCormick	Ransdell	Weller
Cummins	McKellar	Reed	Williams
Dillingham	Myers	Robinson	Willis

So Mr. SHEPPARD's amendment to the committee amendment was rejected.

Mr. McCUMBER. Mr. President, I wish to move to reduce the rate of duty proposed by the Senate committee, but before doing so desire to read a portion of the testimony that was given before the Ways and Means Committee of the House. I read from the testimony of Mr. Harvey N. Ott, of the Spencer Lens Co., of Buffalo, N. Y.:

I am a member of the Spencer Lens Co., of Buffalo, and I am here particularly interested in the optical glass question, and I have a brief which I want to leave with you, but there are two or three points which I want to stress to you a little further. That is the fact that the foreign optical glass concerns increased their facilities during the war very greatly, and very naturally they are looking now for a place to unload it, and they have been coming to this country with prices which, with their years of experience and their organization, etc., we, as a new industry, are not able to meet. No optical glass was made in this country before the war, and it is an entirely new industry that we have developed here. It is one of the infant industries, and it is something that has taken a lot of work and a lot of investigation and a lot of hard knocks. We have succeeded, so far as quality is concerned, in making as good optical glass as we were ever able to import. We have not been able to make it at prices at which we can compete with the foreign glass as it is now coming in.

Two years ago we imported something like \$217,000 worth of optical glass. During the first 10 months of 1920 we imported \$817,000 worth of optical glass. We ourselves made and sold, including what we used, perhaps \$125,000 worth of optical glass. But as the year advanced and as more and more of the European competition was felt our business has correspondingly dropped off. We must have some protection in this optical glass. You know how serious the condition was during the war. You have not forgotten that during the war you people sent out a call for field glasses, opera glasses, and spyglasses and everything else, because we did not have the optical glass in this country.

Further on Mr. Ott said:

A month ago the factory manager of one of our largest competitors in Germany visited us in Buffalo, and he told me that they were paying skilled mechanics 400 marks a week. Well, 400 marks a week at the present value of the mark, which ranges anywhere from a cent and a third to a cent and a half, will make that man getting anywhere from \$5 to \$6 a week, as against our skilled workmen that we pay from \$35 to \$40 a week. Of course, this rate of exchange we are all hoping will be better, and it won't be as bad in the future, but that is the condition we are facing now, and the same thing is true of all of our scientific apparatus.

As stated, this is an infant industry—an industry that has been just started in this country. The sore need of having such an industry was manifested when we went into the war. We want to keep the industry, now that we have established it. We want to give the protection that is necessary to maintain that industry in the United States. After looking over the testimony again I am satisfied, however, that we have given a rate somewhat higher than is absolutely necessary for protection. Taking the testimony altogether, although they asked for 50 per cent ad valorem on the American valuation, I think the testimony of Mr. Ott himself shows that 45 per cent upon the foreign valuation will sufficiently protect the American manufacturer.

I therefore move to amend by striking out the figures "55" and inserting in lieu thereof the figures "45."

The PRESIDING OFFICER (Mr. LADD in the chair). The amendment to the amendment will be stated.

The READING CLERK. On page 45, line 19, strike out "55," as proposed by the committee, and insert in lieu thereof "45."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHEPPARD. Mr. President, I desire to ask the Senator in charge of the bill if the next paragraph, 228, which relates evidently to this question and relates to instruments that are made of optical glass, can not also be disposed of at this time. I suggest that we might dispose of it now.

Mr. McCUMBER. I think we can go to the next paragraph at this time. I will move to amend that, by striking out the figures "55," as proposed by the committee, and inserting in lieu thereof "45"; but there is an amendment in the beginning that should be agreed to first, which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 45, line 24, paragraph 228, the committee proposes to strike out the word "photographic" and insert in lieu thereof "azimuth mirrors, sextants, and octants; photographic."

The amendment was agreed to.

The next amendment of the committee was, on page 46, line 1, to strike out the words "surveying instrument" and the comma.

The amendment was agreed to.

Mr. McCUMBER. On page 46, line 3, I move to strike out the numerals "55" and to insert in lieu thereof the numerals "45."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McCUMBER. Mr. President, we are ready to take up paragraph 214.

Mr. FLETCHER. Mr. President, I understood the Senator was going to take up paragraphs 211 and 213a.

Mr. McCUMBER. The Senator from North Carolina asked that these paragraphs should go over.

Mr. FLETCHER. Does the Senator from North Carolina understand that I am ready to go on with paragraphs 211 and 213? I thought the Senator perhaps was thinking someone else was going to discuss those paragraphs.

Mr. SIMMONS. My recollection is that I was told those paragraphs were to go over on account of the Senator from Washington [Mr. POINDEXTER].

Mr. SMOOT. He asked that they should go over.

Mr. FLETCHER. The Senator from Washington said tonight that he did not ask to have them go over. He said that what he had reference to was paragraph 204a, and that he did not ask to have paragraph 211 go over.

Mr. SMOOT. The Senator from Colorado [Mr. NICHOLSON] asked that it go over.

Mr. NICHOLSON. Mr. President, I have asked to have this item go over until to-morrow morning. There are some data which I desire to present that I can not secure until that time.

Mr. FLETCHER. This is a new Richmond in the field. I never heard of the Senator from Colorado making the request. I knew that the Senator from North Dakota supposed that the Senator from Washington wanted it to go over, but I was present when the Senator from Washington said he did not desire to have it go over. Consequently, I was prepared to take it up and I understood that we were going to return to that paragraph.

Mr. McCUMBER. The Senator from Colorado [Mr. NICHOLSON] said that he did, and so I allowed it to go over.

Mr. FLETCHER. I did not understand that the Senator from Colorado wanted it to go over. When last it was mentioned I think it was stated that the Senator from North Carolina [Mr. SIMMONS] wanted it to go over.

Mr. McCUMBER. I simply wish to call up paragraph 214; that is all; and then I will yield the floor.

Mr. FLETCHER. I do not know whether or not the Senator from North Carolina desires to take up another paragraph.

Mr. SIMMONS. I am in no hurry.

Mr. FLETCHER. Would the Senator from North Dakota mind, so long as we have gotten down to paragraph 230, going on with paragraphs 230 and 231? I think we might go on with those paragraphs now.

Mr. McCUMBER. Is there any objection to going on with paragraph 214? Is there any Senator who desires that it be passed over? If so, why?

Mr. FLETCHER. I understood that paragraph had been passed over.

Mr. SIMMONS. If the Senator from Florida is ready to have that paragraph taken up, I hope the Senator from North Dakota will let him do so.

Mr. McCUMBER. Certainly; I will do so, if it is asked. What paragraph does the Senator from Florida desire to be now taken up?

Mr. FLETCHER. Paragraph 230. It is a continuation of the paragraph we have just finished.

Mr. McCUMBER. Very well. Then I will ask that we proceed to consider paragraph 230.

The PRESIDING OFFICER. The amendment proposed by the Committee on Finance to paragraph 230 will be stated.

The ASSISTANT SECRETARY. On page 46, paragraph 230, line 8, the Committee on Finance proposes to strike out "all mirrors" and to insert "and all mirrors not specially provided for."

Mr. FLETCHER. I think there is no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The next amendment proposed by the committee in paragraph 230 will be stated.

The ASSISTANT SECRETARY. On page 46, line 10, it is proposed to strike out the word "cases" and to insert "cases, 60 per cent ad valorem."

Mr. FLETCHER. Mr. President, with regard to that amendment, I wish to submit some data which I have gathered from such investigation as I have been able to make of the paragraph. The first observation I will make in reference to it is that under the act of 1913 the duty was 30 per cent ad valorem on all this glass. The act of 1913 reads:

PAR. 95. Stained or painted glass windows or parts thereof and all mirrors not exceeding in size 144 square inches, with or without frames or cases; * * * and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem.

The act of 1909 covered identically the same classification so far as I can see from reading it over, but the duty under the act of 1909 was 45 per cent ad valorem. The pending bill, House bill 7456, as it came from the other House, provided for a 30 per cent ad valorem duty. That is the same duty, so far as I can see,

as was provided for under the act of 1913. Now the Senate committee proposes to change the rate of the House bill so that "stained or painted glass windows and parts thereof and all mirrors not specially provided for, not exceeding in size 144 square inches, with or without frames or cases," shall bear a duty of 60 per cent ad valorem.

That is twice what the House rate was; it is twice what the act of 1913 provided and 15 per cent greater than the duty imposed by the act of 1909. The amendment following in this same paragraph provides for a 60 per cent ad valorem duty on "all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value, not specially provided for."

That is just twice the amount of the duty which is carried in the act of 1913 and is 15 per cent higher than the duty carried by the act of 1909.

It seems to me that these increases are unwarranted and that there is no occasion for them; that there can be no good results follow either by way of adding to the amount of revenue coming into the Treasury from the imposition of the duties or even by way of protection to any worthy industry in this country.

I quote from the Tariff Information Summary as follows:

Stained glass windows are made of small pieces of glass colored in any of the ways mentioned and held together by strips of lead. Sometimes pictorial effects are obtained by painting on single pieces of glass.

In this country in 1912 the gross production "is estimated at about \$7,000,000, which would include articles other than stained-glass windows. Competition is principally from Germany and Austria."

The imports of stained glass, or parts, and small mirrors amounted to \$418,445, the maximum, in 1914.

In the subsequent years there was a very decided falling off in the imports. In 1918 the value of the imports was \$24,173; in 1919 it was \$26,999; in 1920 it was \$94,861; and for nine months of 1921 it was \$92,640.

There has been some revenue produced under the 30 per cent duty of the act of 1913. In 1918 the amount of revenue was \$7,252; in 1919 it was \$8,100, and in 1920 it was \$28,458.

The raising of that duty to 60 per cent, it seems to me, would more than likely very greatly decrease the importations; and, as I have said, there would be no gain by way of increase in the revenue by adding to the duty, because the importations are now very small, the total importations during nine months of 1921 amounting only to \$92,640. The exports are not given in the Summary of Tariff Information.

With reference to the second amendment proposed by the committee increasing the duty from 30 per cent to 60 per cent ad valorem on manufactures of glass or paste we find that the "paste is specially prepared glass," which is "known also as 'strass' from which imitation gems are manufactured. The requisite qualities of purity, transparency, and high refractivity are comprised in the highest degree in lead-flint glass of unusual density because of the large percentage of lead it contains."

The imports "represent the combined figures for manufactures of glass and of paste not specially provided for, amounting to \$427,391 in 1914." In the later years the importations fell off. In 1918 their value was \$117,794; in 1919 it was \$121,834; in 1920 it was \$273,295; and in 1921 it was \$260,863.

Under the duty of 30 per cent a certain amount of revenue came into the Treasury. Imports, as will be seen, are comparatively small, and if we raise the duty to twice the present rate and make it 60 per cent in all probability we shall so reduce the imports that we shall get no revenue. The American industry does not require or demand the protection proposed. Therefore I can not see the occasion for making these increases.

The exports of glass and glassware not specially provided for have been as follows:

Calendar year: 1918, \$5,401,395; 1919, \$8,328,944; 1920, \$12,874,614; and the first nine months of 1921, \$6,295,511.

In other words, against small importations, ranging from \$117,000 to \$273,000 a year, we have been exporting \$5,000,000 worth; \$8,000,000 worth; \$12,000,000 worth; and during the last nine months over \$6,000,000 worth of these goods.

The exports have been principally to Canada, to the United Kingdom, to Cuba, and to Mexico. I can not see, therefore, any sort of argument to support the increased rates suggested by the committee. The importations are almost nominal now, and they are coming in under the rate of 30 per cent ad valorem. The proposition of the committee is to raise that rate to 60 per cent ad valorem. If that is done, it can not be hoped to have any imports at all. It seems to me it would be proposing a prohibitive tariff.

There is no need for this duty, as I have said, by reason of its protective effect, because the exportations show that we are

producing vast quantities of these commodities which we do not require in this country, and we are exporting to other countries which I have mentioned vast quantities, in value running into the millions and millions of dollars, whereas the importations are practically nominal.

For these reasons, Mr. President, I object to the changes suggested by this proposed amendment. I think 30 per cent ad valorem is an amply high rate of duty, and that we shall derive more revenue by retaining that duty than we shall by imposing a higher rate of duty; and we shall not in anywise be jeopardizing the interest of any industry or manufacturing enterprise in this country. If there is any reason for these proposed increases, I should be very glad to be enlightened in reference to them.

Mr. SMOOT. Mr. President, this paragraph must be taken into consideration in connection with paragraph 1688. Paragraph 1688 places certain stained window glass on the free list, all above \$15 per square foot. As the bill passed the House, some of the representatives of the religious denominations were rather perturbed over the effects of the bill. The manufacturers of stained glass felt quite sure that if there was not an amendment to section 1688 the stained-glass industry would be completely destroyed in the United States, as 90 per cent of all of the stained glass manufactured or imported into the United States goes into houses of worship.

The committee had before it a delegation of laboring men representing every manufacturer of stained window glass in the United States, and I understand that after the committee of laboring men met with the committee and pleaded for their industry they did meet with certain representatives of religious organizations, particularly the representatives of the Catholic Church.

Your committee was informed, not only by the laboring men but by the representatives of the religious denominations who appeared before it, that they recognized the fact that the industry was an important one in the United States; that 70 per cent of the cost of the stained window is labor, and they were perfectly satisfied if the committee would limit the free entry to stained window glass that cost over \$15, as I remember, per square foot; and then as to the balance of it, whatever they used, that was made in this country—and really more could be made here than was used in this country—they had no objection whatever to the rates provided for in this bill.

This is the substance of the testimony that was given in connection with what the Tariff Commission reports:

Labor in the United States for the stained-glass window industry averages \$1 per hour. Floor painters receive \$1.50, as against 20 cents in Germany. The entire manufacturing operation is handwork, no machinery being used or possible. Labor forms 70 per cent of total cost of production.

In 1914 the production of stained-glass windows in the United States amounted to \$212,000. In 1920, owing to the exclusion brought about by the war, the production had increased to \$500,000. To-day orders have been placed in Germany to the extent of \$800,000 and domestic plants are running at 30 per cent capacity.

American stained-glass windows are comparable to any produced abroad.

Rates suggested: On stained-glass windows, 63 per cent ad valorem and the elimination of the provision of paragraph 1688 permitting the importation of stained-glass windows without payment of duty if imported for presentation to houses of worship. The suggested ad valorem rate was obtained by a comparison of costs on the same window manufactured in the United States and in a representative German plant, as explained in detail in the Ways and Means Committee hearings, page 1673.

Mr. FLETCHER. What paragraph is that?

Mr. SMOOT. Paragraph 1688.

Mr. President, I have a comparison, made by the officials of our Government, showing the result of an investigation that was made as to the mirrors spoken of in this paragraph, made in Germany; and, allowing the importer a profit of 33½ per cent on his invoice price, and comparing it with the price of the American product, it would require an ad valorem duty of 350 per cent to equalize the two. This is the result, and I will ask the Senator to note it.

Mirrors in Germany by the dozen were 27½ cents; the landing charges were 5.1 cents; the selling price of the imported article in the United States was \$1.11. The selling price of a comparable article made in America was \$1.72. With 33½ per cent profit, it would require an ad valorem duty of 350 per cent to equalize the two articles. We are not asking for that, nor did the workmen ask for it; but these smaller, less valuable mirrors and stained glass can be handled in the United States in connection with the larger ones, and it was finally agreed by all interested parties, both the representatives of the religious denominations and the labor people themselves, that they would be satisfied with the 60 per cent, the labor people claiming that they would try to make ends meet

with that and the representatives of the religious denominations saying that they were perfectly willing to meet that situation.

It is rather a grave situation as the conditions exist to-day, and if we intend to keep that industry here I want to say frankly to the Senator from Florida that it can not be done at less than a duty of 60 per cent on the foreign valuation.

Mr. FLETCHER. Mr. President, I can not quite understand that. Of course I do not question what the Senator has said as to the statements by these various witnesses, parties appearing in their own interest, and all that sort of thing, which we ought always to consider; but if we look at the statistics bearing on this item, I can not believe that there is any great threatening of the industry in this country, because we are evidently manufacturing a great deal more of the product than we need, and we are exporting it, according to these figures, by the millions of dollars' worth, and importing it by the hundreds of dollars' worth.

Mr. SMOOT. I will say to the Senator that the testimony from those who ought to know, as they represented the church organizations, showed that there had been placed during this year, at the time they appeared before the committee, orders in Germany alone for \$800,000 worth of this glass. The Senator knows that, of course, it takes some time to make those stained windows. They are works of art, and sometimes it takes six months, sometimes more than that to prepare them for shipment.

Mr. FLETCHER. I can understand that; but in 1914 the greatest amount of importation was only \$418,425 under the first head of stained or painted glass windows and small mirrors, and under the second head of manufactures of glass or paste the importations in 1914 were \$427,391 of value. That was when we had a duty of 30 per cent, showing that in the past we have not been troubled very much by these importations; that a duty of 30 per cent was ample protection, evidently, for this industry, because we made a great deal more than we required in this country, and we brought very little into the country.

The provision with regard to the churches, which the Senator mentions, does not seem to me to be very helpful. For instance, it provides, in paragraph 1688:

Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society—

Of course, thus far we do not get any benefit; we have not reached the subject, except to a limited degree, where these commodities are manufactured expressly as gifts; but, going on further—

college, or other public institution, including stained or painted window glass or stained or painted glass windows—

And there we reach this subject—

which are works of art and valued at \$15 or more per square foot, when imported to be used in houses of worship.

That limits this product very materially. In order to come in free it must be a work of art; it must be valued at \$15 per square foot or more.

Mr. SMOOT. I will assure the Senator that there is hardly any of it that ever goes into a church that does not cost more than \$15 a square foot; and that was perfectly satisfactory to the representatives of the religious denominations in this country.

Mr. FLETCHER. But where is this to be valued—valued over yonder at \$15 per square foot?

Mr. SMOOT. Yes; but if the Senator has ever bought any art stained-glass windows, or any kind of art stained glass, he will find out that he, or whoever did pay for it, paid much more than \$15 a square foot. I will say to the Senator that many times it runs to \$200 and \$250 and \$300 per square foot.

Mr. FLETCHER. Of course, then it is really a work of art.

Mr. SMOOT. All of this is a luxury. Everything that is in the paragraph is a luxury.

Mr. FLETCHER. Yes; but where it is for the benefit of churches, houses of worship, it is confined to material valued at over \$15 a square foot over there. That means that the price here would be \$45, \$50, or \$60 a square foot.

Mr. SMOOT. If there is anything that comes in here that is claimed to be art work, and costs less than \$15 per square foot, you can depend upon it that there is not very much art in it, or there is not very much work attached to it. It can not be done by machinery. The glass itself has to be cut many times in the smallest particles, and colored just so.

The figures are made out of glass. Many times a figure is composed of a thousand pieces of glass, every piece fitting so closely with the others that the eye can not see that there is such a thing as a joining. It takes a master hand to make

these things. It takes an artist of the very highest type. It would perhaps take him five or six weeks, in some cases nearly a year, to make one of these masterpieces. So I assure the Senator that the church representatives are perfectly satisfied with the \$15 a square foot provision. The importations under existing law to which the Senator has referred are of commodities which come in free.

The figures quoted relate to an article which came in under a duty of 30 per cent and went into the general commerce of the country. I am sure that this is one of the paragraphs under which nobody is going to be hurt.

The men engaged in this pursuit qualify for this work, and none other. They begin when they are young, as apprentices. They live in it. They know nothing whatever other than the work of preparing the stained glass, and when they are thrown out of employment they are in the same situation in which an ordinary common laborer finds himself. No matter how much it has cost them to learn the trade, no matter how many years they have served at it, if the industry ceases in the United States they are just as helpless, if they are 50 years old, as a man who has never done a particle of work up to the time he is 50 years old, never had to work at a thing, and all at once is thrown upon his own responsibility to make a living. They would be the most helpless of men.

Mr. FLETCHER. Mr. President, this paragraph covers something more than mere works of art. You may call them works of art if you like, but it covers other things than these works which should be worth from \$15 up to \$200 a square foot. Under the act of 1913 there was a paragraph to this effect:

Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, including stained or painted window glass or stained or painted glass windows imported to be used in houses of worship, and excluding any article, in whole or in part, molded, cast, or mechanically wrought from metal within 20 years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe [free].

This paragraph now is changed so as to limit it to this painted window glass, "including stained or painted window glass or stained or painted glass windows which are works of art and valued at \$15 or more per square foot, when imported to be used in houses of worship," and so forth. That is added to the provision of a similar character in the act of 1913. They not only must be imported now to go into houses of worship, but they must be worth \$15 a square foot before they come in free.

I was pointing out that as this paragraph reads it is pretty broad. It covers not only such articles as I think the Senator from Utah has mentioned and described, but all manufactures of which glass or paste is the component material of chief value, not specially provided for, 60 per cent ad valorem. That is a very broad description, and covers something more than what, strictly speaking, may be called works of art. This paste material is not so much for glass windows and works of art, but it is used to make what they call imitation gems. It is that from which imitation gems are manufactured, and that is largely what the paste is used for. But, as I say, the paragraph is so broad as, it seems to me, to open the door wide for something more than the mere handling of these works of art or glass of this extraordinary kind and character, but requires that any sort of glass or manufactures of glass of which glass or paste is a component part shall pay a duty of 60 per cent.

Undoubtedly one effect is going to be to advance the price in this country if this duty is levied. I do not think there is any question about that. I do not believe that is to the interest of the general public, and I do not believe the industry requires any such result. The manufacturers doing that business, of course, are inclined to keep out all foreign competition, and we again hear Germany spoken of as a competitor which will run these manufactures out unless they are amply protected. They never did it when the duty was 30 per cent, and I do not see how it is possible for them to do it now, with the industry thoroughly established and with the exportations far exceeding the importations of these commodities, and in view of the broad description here I can not escape the feeling that the effect will be not in any wise to increase the revenue coming to the Government, but the effect will be to enable them to raise their prices to the consumers of this country.

That paragraph in the free list, paragraph 1688, only gives admission free duty to those works of art and that kind of glass of the value of \$15 a square foot, and brought in for use of churches exclusively. It does not include a very large proportion of the manufactures from this material.

I do not care to say anything further about it. I still feel that 30 per cent is ample, and I move that in line 10 the numeral "60" be stricken out and the numeral "30" be inserted.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. On page 46, line 10, strike out "60" and insert "30."

Mr. FLETCHER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement in regard to my pair and its transfer, I vote "nay."

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Washington [Mr. POINDEXTER], and vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as heretofore with reference to my pair and its transfer, I vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. MCKINLEY (when his name was called). I transfer my pair from the junior Senator from Arkansas [Mr. CARAWAY] to the senior Senator from Minnesota [Mr. NELSON], and vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Transferring my pair with the junior Senator from Arizona [Mr. CAMERON] to the junior Senator from Rhode Island [Mr. GERRY], I vote "yea."

The roll call was concluded.

Mr. HARRIS. Making the same announcement as to my pair, I vote "yea."

Mr. DIAL. Making the same announcement as to my pair and transfer, I vote "yea."

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from South Dakota [Mr. NORBECK] and vote "nay."

Mr. ERNST. I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Oklahoma [Mr. HARRELD] and vote "nay."

The result was announced—yeas 13, nays 41, as follows:

YEAS—13.

Dial	Jones, N. Mex.	Sheppard	Watson, Ga.
Fletcher	La Follette	Shields	
Harris	Overman	Simmons	
Harrison	Robinson	Underwood	

NAYS—41.

Ball	Frelinghuysen	McCumber	Bawson
Brandegge	Gooding	McKinley	Shortridge
Bursum	Hale	McLean	Smoot
Capper	Johnson	McNary	Sterling
Colt	Jones, Wash.	Moses	Sutherland
Cummins	Kellogg	Newberry	Townsend
Curtis	Kendrick	Nicholson	Watson, Ind.
Edge	Keyes	Oddie	Wells
Elkins	Ladd	Page	Williams
Ernst	Lenroot	Pepper	Willis
France	Lodge	Phipps	

NOT VOTING—42.

Ashurst	Gerry	Norbeck	Stanley
Borah	Glass	Norris	Swanson
Bronson	Harreld	Owen	Trammell
Calder	Heflin	Pittman	Walsh, Mass.
Cameron	Hitchcock	Pointdexter	Walsh, Mont.
Caraway	King	Pomerene	Watson, Ind.
Crow	McCormick	Reed	Weller
Culberson	McKellar	Smith	Williams
Dillingham	Myers	Spencer	Willis
du Pont	Nelson	Stanfield	
Fernald	New		

So Mr. FLETCHER's amendment to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The ASSISTANT SECRETARY. On page 46, line 13, the committee proposes to strike out "30" and to insert "60," so as to read:

And all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value, not specially provided for, 60 per cent ad valorem.

Mr. FLETCHER. Mr. President, I think that the 30 per cent ad valorem rate as carried in the bill as it came from the House is excessive. It is really higher than it should be, but instead of making a motion to change the 60 per cent as proposed by the committee to 30 per cent I shall merely ask that the committee amendment be not agreed to.

This amendment has reference to "all glass or manufactures of glass or paste, or of which glass or paste is a component material of chief value, not specially provided for," and the bill as it came from the House carries a rate of 30 per cent. The Finance Committee proposes to change it to 60 per cent, which is twice as much as the bill carried as it came from the House, twice what the House considered a proper rate, which is twice the rate provided by the law of 1913, and which is 15 per cent more than the law provided in 1909.

Therefore, I ask for the yeas and nays on the question of agreeing to the Senate committee amendment. I think the committee amendment ought to be disagreed to.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "yea."

Mr. DIAL (when his name was called). Making the same announcement as to my pair and its transfer, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement as to my pair and transfer, I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). I transfer my pair with the Senator from Montana [Mr. WALSH] to the Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. HARRIS (when his name was called). Making the same announcement as to my pair and transfer, I vote "nay."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and transfer, I vote "yea."

Mr. STERLING (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before as to my pair and transfer, I vote "nay."

The roll call was concluded.

Mr. McKINLEY. Making the same announcement as before, I vote "yea."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. McKELLAR];

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 42, nays 14, as follows:

YEAS—42.

Ball	France	Lenroot	Phipps
Brandegge	Frelinghuysen	Lodge	Rawson
Broussard	Gooding	McCumber	Shortridge
Bursum	Hale	McKinley	Smoot
Capper	Harrell	McLean	Sterling
Colt	Johnson	McNary	Sutherland
Cummins	Jones, Wash.	Moses	Townsend
Curtis	Kellogg	Newberry	Wadsworth
Edge	Kendrick	Nicholson	Warren
Elkins	Keyes	Oddie	
Ernst	Ladd	Page	

NAYS—14.

Dial	La Follette	Sheppard	Underwood
Fletcher	Overman	Shields	Watson, Ga.
Harris	Pepper	Simmons	
Heflin	Robinson	Stanley	

NOT VOTING—40.

Ashurst	Gerry	New	Spencer
Borah	Glass	Norbeck	Stanfield
Calder	Harrison	Norris	Swanson
Cameron	Hitchcock	Owen	Trammell
Caraway	Jones, N. Mex.	Pittman	Walsh, Mass.
Crow	King	Poinexter	Walsh, Mont.
Culberson	McCormick	Pomerene	Watson, Ind.
Dillingham	McKellar	Ransdell	Weller
du Pont	Myers	Reed	Williams
Fernald	Nelson	Smith	Willis

So the committee amendment was agreed to.

Mr. FLETCHER. If the chairman of the committee desires, I am ready to proceed with the next paragraph.

Mr. McCUMBER. Very well.

The ASSISTANT SECRETARY. On page 46, line 17, the committee proposes to strike out "23" and insert "30," so that if amended the paragraph will read:

PAR. 231. Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized, 30 per cent ad valorem.

Mr. FLETCHER. Mr. President, this is not a very large industry and I shall not take a great deal of the time of the Senate in a discussion of the paragraph. I desire to call attention, however, to the fact that the bill, as it came from the House, carried very considerable increases in this paragraph over the rates provided in the act of 1913. The committee amendment proposes very greatly to increase the duties as levied by the bill as it came from the House.

The description of this commodity is as follows:

Smalt is a deep-blue pigment made by fusing the oxide of cobalt with silica and potash to form a glass. This product is reduced to a powder and used in the arts, although at present it is largely replaced by cobalt blue and artificial ultramarine. Frostings are made from coarsely powdered, thin flakes of glass and are used for decorative work, signs and the like.

Under the head of "Production" the Summary of Tariff Information informs us that—

Data as to domestic production have not been obtained, but it is not large.

I said in the beginning this is not a very large industry—

This is due partly to the comparatively small output of hand-decorated china and to the use of imported ceramic colors and decalcomanias (see par. 1306) for decorating domestic pottery. England, France, and Germany have developed the manufacture of these colors to a high degree.

Now, this is the significant thing:

Reduction of duty (1913) from 30 per cent to 15 per cent was followed by an increase in imports of fluxes, glazes, enamels, and colors, ceramic and glass. The average import during the three years, 1911 to 1913, was \$13,589, and the average annual revenue for the same period under the 30 per cent rate was \$4,077. In 1915-16 the average was valued at \$67,460, and the revenue was \$10,119 per year. In 1917-18, owing to war conditions, the imports and consequently the revenue were considerably lower.

In other words, the act of 1909 carried a duty of 30 per cent and the importations under that act, under the duty of 30 per cent, were only \$13,589 a year, yielding revenue of only \$4,077 a year. The Underwood-Simmons Act of 1913 reduced that duty to 15 per cent, and the result following, as shown by the statistics, was that in 1915-16 the average of importations was valued at \$67,460 a year, instead of \$13,589 as under the act of 1909, and the revenue derived from those importations and flowing into the Treasury of the United States was \$10,119 per year under the rate of 15 per cent, whereas it was only \$4,077 a year under the rate of 30 per cent.

The reduction from 30 per cent ad valorem to 15 per cent ad valorem resulted in nearly three times the amount of importations and three times the revenue.

Now it is proposed to raise this duty from 15 per cent to 30 per cent. It is proposed to go back to the rate provided in the act of 1909; and what can we expect? Here is the actual experience under these two laws. So far as I know, the facts are not disputed; they can not be questioned at all. There is a clear demonstration that the Government derived more revenue under the 15 per cent duty than it did under the 30 per cent duty—nearly three times as much—and now it is proposed to go back to the 30 per cent duty. What can we expect? Necessarily that the importations will drop down practically to where they were before, of only \$13,589 worth a year, yielding revenue of only \$4,077; and, of course, the other result follows—that is, an increase in the price of these articles to the consumer.

Later statistics for 1918 show that the value of the imports was \$21,854, yielding \$3,281 of revenue; in 1919 the imports were \$30,137 in value, 25,841 pounds, yielding a revenue of \$4,521. That was under the 15 per cent rate. In 1920 the importations were 63,202 pounds, with a value of \$63,588 and a revenue of \$9,538; and for the nine months of 1921 the importations were 25,791 pounds, of a value of \$31,510. There was an increase in the unit of value of these commodities to some extent.

The exports are not recorded. The proposition now is to take no advantage of that experience and what has been demonstrated to us, that we derived nearly three times as much revenue under a duty of 15 per cent on this article as we did under a duty of 30 per cent, but it is now proposed to abandon the 15 per cent ad valorem rate of the present law and go back to the 30 per cent ad valorem rate of the act of 1909. That is the proposition.

The other proposal is to change the rate on fusible and glass enamel, not specially provided for otherwise, from 20 per cent

ad valorem, as in the present law, to 40 per cent ad valorem. The House fixed the rate at 35 per cent, but the Senate committee now proposes to increase that 35 per cent to 40 per cent.

The third proposal in this paragraph is to change the present law so far as it applies to "opal enamel or cylinder glass, tiles, tiling, and rods" from 30 per cent ad valorem to 40 per cent ad valorem.

The House fixed the rate at 35 per cent ad valorem, but the Senate committee propose to increase it to 40 per cent ad valorem. Under the act of 1909 the duty on fusible enamel was 25 per cent ad valorem, and on opal or cylinder glass tiles or tiling 60 per cent ad valorem. It is now proposed to make those rates, respectively, 40 per cent and 40 per cent.

As I have said, Mr. President, the industry is not a very extensive one. As to the production of enamel in this country, in 1914 there were 77 establishments engaged in the industry, with a production valued at \$2,166,000; in 1919 the corresponding figures were 74 establishments, with a production valued at \$2,645,000. The imports in 1914 amounted to \$18,028, and in 1918 to \$8,052. The largest amount in the period from 1908 to 1918 was \$21,431, which was in 1909.

Later statistics show that in 1918 the importations were valued at \$4,106, from which we derived a revenue of only \$821 under the ad valorem rate of 20 per cent. In 1919 the value of the importations was \$17,727; in 1920, \$31,331; and for 9 months in 1921, \$9,478. The figures refer to enamel, which is described as—

Glass applied by fusion as a coating to any substance which will bear the necessary heat, especially to metals and to pottery.

Now, the proposal is to increase the duty to 40 per cent. Under the present rate of 20 per cent the importations are nominal, very little of the goods coming into the country and there being little revenue derived. I can not see any justification at all for the increased duties proposed in the paragraph. I do not think I shall delay the Senate by asking for yea-and-nay votes on the committee amendments, but I move to amend the committee amendment on page 46, line 17, by striking out "30" and inserting "15." The rate of 30 per cent recommended by the Senate committee on smalts, frostings, and all ceramic and glass colors, and so forth, is an increase of 7 per cent over the rate proposed by the House committee.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida to the amendment reported by the committee will be stated.

The ASSISTANT SECRETARY. In the committee amendment, on page 46, line 17, after the word "pulverized," it is proposed to strike out "30" and insert "15," so as to read:

PAR. 231. Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized, 15 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment reported by the committee.

Mr. McCUMBER. Mr. President, just a word on the items in general embraced in paragraph 231. There was a very considerable increase in the importations when we reduced the duty from 30 per cent ad valorem to 15 per cent ad valorem, as is shown by the Tariff Commission's report. The war followed, and all industry and commerce were shattered. Germany has not regained her place as yet; but is there any possible reason for believing that she can not produce now, with an even lower labor cost, as cheaply as she could prior to the war. The average wages paid in Germany are below pre-war levels. I assume, therefore, this being a home product, the raw materials of which she does not have to import, that she can produce the commodity at least as cheaply as she could prior to the war. We have got to take those factors into consideration. Furthermore, we have got to frame this bill with the idea that we will return to stable and to a more nearly normal condition than we are in to-day. What may we expect?

I think I can give a pretty fair illustration by taking up two or three of these items statistics for which are furnished by the Reynolds report. Taking the very first item, which is smalts, coarse ground, I find that the price in Germany at the time the report was prepared—which was in August, 1921—to be 7 cents a pound; the landing cost seven-tenths of a cent; the foreign article was sold in this country for 15 cents. The comparable American article is sold for 20 cents. To bring the foreign article up to the selling price of the domestic article, after allowing 33½ per cent profit to the importer, would require 104 per cent in order to equalize the two prices. Instead of giving 104 per cent we have given 30 per cent.

Now, let us take the next one—frostings, glass, blown. The price in Germany was 4.2 cents, the cost of importing was 2 cents, the article is sold in this country for 18 cents; the comparable American article is sold for 21 cents. Allowing 33½ per cent profit to the importer, we would have to have 228 per cent duty in order to equalize the importing value with the American selling value.

Mr. FLETCHER. May I ask the Senator if 33½ per cent is not a very extraordinary allowance of profit?

Mr. McCUMBER. Yes; it is.

Now, take the next one—ceramic and glass colors. Those are imported from England. In Great Britain the labor cost is so enormously higher than that in Germany that this would require a per cent very much less than we have allowed.

Now take the next—fusible enamels. They are imported from France. The price is 22 cents in France; the landing cost is 1.4 cents, and it is sold for 42 cents, as against a comparable American article of 43 cents. Taking the French cost price at 22 cents, and allowing 33½ per cent profit, it would require just an even 40 per cent, such as we have allowed in that instance, to meet that condition.

So, on the whole, we have made our duty very much below what the evidence in this report would show to be necessary.

I assume that wages will go down to some extent. The cost of production will undoubtedly go down to some extent. I hope the freight rates will go down. We have taken all of those things into consideration; but even then we must assume an enormous gap between the cost of production in the foreign country, especially in Germany, and the cost of production in the United States. I believe, however, that although the duties we have allowed do not measure the difference, when we take into consideration the fact that the American producer is right here at home and can meet his orders immediately, that fact will give him an advantage that may equal what he fails to secure from the standpoint of equalization in the rates we have given him.

Mr. FLETCHER. Mr. President, just one word further.

As I stated in the outset, there was a very considerable increase in the importations after the reduction of the duty from 30 per cent under the act of 1909 to 15 per cent under the act of 1913; but that increase still did not signify very much. It was a very great increase, but no enormous volume of importation came in after that. The increase was from \$13,589 a year prior to 1913 to \$67,460 a year after the act of 1913 went into effect; but \$67,000 worth of these imports constitutes almost a bagatelle. There is no danger to the industry with only that much importation against it, and the statistics show that the amount of revenue derived by the Government was nearly three times as much under the act of 1913, with a reduction to 15 per cent, as it was under the duty of 30 per cent in the act of 1909. Even though there is an increase in the volume of importation, it does not necessarily mean that that threatens any injury to any industry in this country. It depends, of course, on what the original amount of the importation was. In the case of white glass enamel, for instance, the statistics show that there are several domestic manufacturers of glass tiles and opal glass, but no statistics are available. Imports have not exceeded \$500 in any one year. There could be an enormous increase in the imports and still not threaten any harm to any industry in this country in that case.

I just ask for a vote on that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The ASSISTANT SECRETARY. On page 46, line 18, the committee proposes to strike out "35" and to insert "40," so that, if amended, it will read:

In any other form, 40 per cent ad valorem.

Mr. FLETCHER. I move to amend by striking out "40" and inserting "20," so that the rate will be 20 per cent ad valorem.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In lieu of the sum proposed to be inserted by the committee, "40," it is proposed to insert "20."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The ASSISTANT SECRETARY. On line 18, it is proposed to strike out the word "opal" and to insert the same word with a comma immediately thereafter.

The amendment was agreed to.

The ASSISTANT SECRETARY. On line 19, it is proposed to strike out "35" and to insert "40," so that, if amended, it will read:

Opal, enamel or cylinder glass tiles, tiling, and rods, 40 per cent ad valorem.

Mr. FLETCHER. I move to amend by striking out "40" and inserting "20."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In lieu of the sum proposed to be inserted by the committee, "40," it is proposed to insert "20."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The ASSISTANT SECRETARY. On page 47, line 8, the committee proposes to strike out "17" and insert "20," so as to read:

Marble, breccia, and onyx, in block, rough or squared only, 65 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, \$1 per cubic foot; slabs and paving tiles of marble, breccia, or onyx, containing not less than 4 superficial inches, if not more than 1 inch in thickness, 8 cents per superficial foot; if more than 1 inch and not more than 1½ inches in thickness, 10 cents per superficial foot; if more than 1½ inches and not more than 2 inches in thickness, 13 cents per superficial foot; if rubbed in whole or in part, 3 cents per superficial foot in addition; mosaic cubes of marble, breccia, or onyx, not exceeding 2 cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per cent ad valorem.

Mr. ROBINSON. Mr. President, an examination of the survey of marble made by the Tariff Commission does not disclose, in my opinion, any justification for the increases in the rates on marble reported in the committee amendments.

The information available upon the subject shows that the production of domestic marble aggregates from six million to eight million dollars' worth per annum. Only about a third of the production is marketed as rough blocks. The domestic producers export large quantities of the rough blocks to Canada and considerable amounts of dressed building rock and other manufactured products to all parts of the world. I quote from page 7 of Survey B-11:

Every year since 1910 exports of all grades of marble have been larger than the imports.

European deposits of marble are very high grade, and many fancy varieties are produced which are not available in the United States.

Omitting part of the statement:

Imports consist of large amounts of rough block marble—chiefly the fancy grades that are not produced at domestic quarries—and small amounts of slabs, tiles, and mosaics. Imports of all grades are decreasing steadily.

There is a statement on page 8 of this survey to which I invite the attention of the Senate. It shows that in this particular industry the domestic producers are not at a disadvantage, because of the losses which occur in transportation. These losses, due to breakage, more than overcome the difference in the labor cost. I will read a part of the paragraph in which that statement is contained:

Domestic producers control the market for ordinary grades, but fancy marbles will be imported until domestic supplies of similar grade have been developed. The brittleness of marble in thin sections and the breakage loss in overseas shipments counterbalance any advantage that the foreign producer possesses due to lower-priced labor. The use of power cutters and surfacers, little used abroad, is another factor in favor of the domestic manufacturing industry.

With respect to the prices for building or ornamental marble, on page 13 of the same document I find this statement:

Prices for building and ornamental marble vary widely with the physical characteristics of the product and the distance from quarry to market. Most of the rough material is sold by the cubic foot. In 1913 the price of domestic rough marble varied from \$1.14 per cubic foot for interior building marble to \$1.59 for the same product from another district. By 1917 prices had increased to between \$1.75 and \$2 per cubic foot.

In view of the facts referred to, I do not understand the theory upon which the committee justifies its proposed increases in these rates. I therefore move to amend in line 8, page 47, by striking out "20" and inserting "10."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 47, line 8, it is proposed to amend the committee amendment by inserting, in lieu of the sum proposed to be inserted by the committee, the numerals "10."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the amendment of the committee. [Putting the question.] The yeas appear to have it.

Mr. HARRISON. I ask for a division.

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I vote "nay."

Mr. DIAL (when his name was called). Repeating my announcement made on the former vote, I vote "yea."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HARRIS (when his name was called). Making the same announcement as before, I vote "yea."

Mr. CURTIS (when Mr. KEYES's name was called). I was requested to announce the absence of the Senator from New Hampshire [Mr. KEYES] on account of illness.

Mr. MCKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before concerning the transfer of my pair, I vote "yea."

The roll call was concluded.

Mr. EDGE. Making the same announcement as before, I vote "nay."

Mr. JONES of Washington. Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. STERLING. Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. GLASS. I transfer my general pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

The result was announced—yeas 16, nays 41, not voting 39, as follows:

YEAS—16.

Dial	Harrison	Robinson	Stanley
Fletcher	Hefflin	Sheppard	Underwood
Glass	La Follette	Shields	Walsh, Mass.
Harris	Overman	Simmons	Watson, Ga.

NAYS—41.

Ball	Frelinghuysen	McCumber	Ransdell
Brandeggee	Gooding	McKinley	Shortridge
Broussard	Hale	McLean	Smoot
Bursum	Harrell	McNary	Sterling
Capper	Johnson	Moses	Sutherland
Colt	Jones, Wash.	Newberry	Townsend
Curtis	Kellogg	Nicholson	Wadsworth
Edge	Kendrick	Oddie	Warren
Elkins	Ladd	Page	
Ernst	Lenroot	Pepper	
France	Lodge	Phipps	

NOT VOTING—39.

Ashurst	Fernald	New	Spencer
Borah	Gerry	Norbeck	Stanfield
Calder	Hitchcock	Norris	Swanson
Cameron	Jones, N. Mex.	Owen	Trammell
Caraway	Keyes	Pittman	Walsh, Mont.
Crow	King	Poindexter	Watson, Ind.
Culberson	McCormick	Pomerene	Weller
Cummins	McKellar	Rawson	Williams
Dillingham	Myers	Reed	Willis
du Pont	Nelson	Smith	

So Mr. ROBINSON's amendment to the committee amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 47, in line 9, before the words "per cent ad valorem," to strike out "26" and to insert "35," so as to make the paragraph read:

PAR. 232. Marble, breccia, and onyx, in block, rough, or squared only, 65 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, \$1 per cubic foot; slabs and paving tiles of marble, breccia, or onyx, containing not less than 4 superficial inches, if not more than 1 inch in thickness, 8 cents per superficial foot; if more than 1 inch and not more than 1½ inches in thickness, 10 cents per superficial foot; if more than 1½ inches and not more than 2 inches in thickness, 13 cents per superficial foot; if rubbed in whole or in part, 3 cents per superficial foot in addition; mosaic cubes of marble, breccia,

or onyx, not exceeding 2 cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per cent ad valorem; if attached to paper or other material, 5 cents per superficial foot and 35 per cent ad valorem.

Mr. ROBINSON. Mr. President, I was entirely content to take the vote upon the last amendment submitted by myself by division, but those in charge of the bill insisted upon consuming the time of the Senate and delaying the progress of the measure by demanding the yeas and nays. The action, of course, was in the nature of a filibuster by the friends of the bill. With an overwhelming majority lining up and supporting the committee, with the committee reporting material advances over the rates fixed by the House in almost every instance, with no explanation given in many instances for the increases here proposed, with no facts available to enable the Senate to justify any rate on marble in excess of the rate now in force, as a result of the filibuster by the majority we have just imposed a very material increase upon one class of marble.

Substantially all the facts presented a few moments ago in connection with the amendment which I then proposed, relating to line 8, apply with equal force to the pending amendment. The House imposed a duty of 5 cents per superficial foot and 26 per cent ad valorem. The Finance Committee, in pursuance of its custom, with no facts in the record justifying its action, reported an amendment raising the ad valorem rate adopted by the House from 26 per cent to 35 per cent.

I move to strike out "35," in line 9, and to insert in lieu thereof "15," so that as amended it will read:

If attached to paper or other material, 5 cents per superficial foot and 15 per cent ad valorem.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 47, line 19, before the words "per centum," to strike out the figure "40" and insert "60"; so as to make the paragraph read:

PAR. 233. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or any of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stone, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for, 60 per cent ad valorem.

Mr. ROBINSON. I move to strike out "60," in line 19, and insert in lieu thereof "30."

Mr. UNDERWOOD. Mr. President, I suppose this is a case of a poor little rich girl who has not anybody who will sympathize with her. The items reported under this paragraph apply to people who have money to spend. We need all the taxes we can get out of the rich, and out of other people, too, if the present expenditures of the Government continue, but I see no reason for this large increase in the duty on this item.

Within the paragraph are a few articles, like alabaster, which is not made in this country at all, and jet, which is more or less an ornament out of which to make jewelry; but the main object which the article intends to tax is stone. I read the description of the article as set forth by the Tariff Commission, as it is one which can be easily understood:

Stone manufactures include, besides tombstones and monuments made of marble and kindred stones, a large and diverse list such as commercial and religious statuary, paper weights, inkwells, table tops, and jet spangles for ornamenting textiles and millinery goods. The manufacturing industry aside from the production of monuments is of very minor importance. Stone monuments—

which form the item of importance in this paragraph—

are produced in all parts of the United States. The plants are usually located close to burial grounds, but some large quarry organizations ship to distant domestic markets. Desk and novelty articles are produced as a side line by manufacturers of monuments, as well as by makers of novelties, and also on special order. The manufacture of jet is an important industry in many parts of Europe, but not here. The stone-working industries of Greece and Italy have been famous for centuries because of their fine marble and excellent workmanship.

Tombstones, monuments, and grave markers can usually be cut and finished by stone-working machinery, which eliminates handwork to a large extent. Up to this point the domestic industry can compete favorably with European goods—

It is the Tariff Commission that says that up to this point the domestic industry can compete favorably with European goods—but in carving, which is entirely handwork, European producers possess a considerable advantage because of their lower-priced labor.

A vast deal of these importations are not carved stone, but the stone is cut by machinery, as to which the Tariff Commission says the American industry can compete with the European production favorably.

In 1914, the year of the beginning of the European war, there were in the United States 4,901 establishments engaged in marble and stone work, with an output value of \$107,055,000.

In 1919 the corresponding figures were 4,208 establishments and the output was valued at \$127,993,000. The production of monuments and tombstones alone in 1914 was valued at over \$40,000,000.

The imports of these articles are derived chiefly from Italy and France. In 1914 they were valued at \$224,700,000. Now let me read the figures of the imports which have been coming in since the war. In 1918 they were valued at \$30,863; in 1919, \$46,622; in 1920, \$83,768; and for nine months in 1921, \$86,617. So that, at the greatest, the imports coming into this country of these articles amounted to less than \$100,000. The exports of manufactured stone, including marble not specially provided for, are destined chiefly for Canada, Cuba, and the United Kingdom, the statistics being as follows for the calendar years: 1918, \$1,208,164; 1919, \$1,508,997; 1920, \$2,158,764; for nine months of 1921, \$1,355,335.

These are the chief articles involved in the paragraph now under consideration. The other articles are of minor importance, both in value, in consumption, and in imports, and some of them are not made in this country at all, with the result that we find the total industry for 1919 is given as \$127,000,000. In monuments alone in 1914 it amounted to about \$40,000,000. The imports coming into this country are less than \$100,000 and the exports vary from \$1,500,000 to \$2,000,000.

When we consider the value of the production in America as over \$100,000,000 and the imports as less than \$100,000, we realize the imports are one one-hundredth of 1 per cent, and yet the committee seems to think that the industry is so greatly jeopardized by imports coming from abroad and that the American industry is in such danger that it must have this high protection. Notwithstanding the books which they themselves publish, carrying the reports of the Tariff Commission, which state that on account of these articles, until they are carved—and most of the imports are not carved—they can compete favorably with the foreign production, what does the committee do? The House sent the bill over with a tax of 40 per cent on these articles and the Finance Committee raises it to 60 per cent.

There was a tax on these articles under the present law which I think is too high, 45 per cent, and which ought to have been reduced. Certainly if I had charge of writing a tariff bill to-day I would reduce it. But with \$100,000 of imports and over \$100,000,000 of production in an industry which the Tariff Commission says in the main can compete with foreign production—and that is shown conclusively by the importations—how are we to grant an additional tax? I do not understand it. I suppose there is a great deal of this tax paid by dead men's estates, by people who want to put up fine monuments. It is not always paid by the rich. Sentiment has a great deal to do with these things, and sometimes people who can not well afford to do so erect handsome monuments. It was said many years ago that the ordinary Republican tariff bill taxes everything from the cradle to the grave, and this item is at the grave.

It is no great burden on the American people, but I can see no justification whatever for the increase. I suppose the Senate is going to grant the increase, and is going to increase the rate over what is carried in the House bill, 45 per cent, to the rate proposed by the Senate committee, 60 per cent. In other words, if you want to buy a tombstone and it is worth \$100 now, you will have to pay \$160 to satisfy the committee.

I am not going to continue my argument further. I think it merely illustrates that the Finance Committee in writing the bill thought the only way they could be sure to make a protective bill was to raise the rate, that it did not make any difference what rate they found in the present law, high or low, the only safe thing for them to do was to raise the rate. I can see no other justification or reason for the increase in this particular instance.

Mr. McCUMBER. Mr. President, when it comes to luxuries it is always difficult for anyone to know what a given rate will produce. When everything is flourishing, when everyone is prosperous, jewelry, diamonds, and other luxuries sell much more freely. They are imported much more freely. When times are hard very little comes in if it is purely a luxury at the foreign price. There are very few of these luxuries coming in now. If any gentleman of reasonable wealth is pleased to die, he perhaps will not be arranging for an onyx tombstone.

Mr. UNDERWOOD. Mr. President, will the Senator permit me to interrupt him?

Mr. McCUMBER. Certainly.

Mr. UNDERWOOD. I always like to have the figures correct. Will the Senator tell me of any time within the last 20 years when any considerable amount of this particular article came into the United States?

Mr. McCUMBER. I will show the Senator something of what we have been getting if the Senator will be patient.

Mr. UNDERWOOD. I am not talking about any theoretical proposition; but will the Senator refer me to the statistics when the imports to this country, compared to the \$127,000,000 domestic production, amounted to anything?

Mr. McCUMBER. I will give the Senator the figures.

Mr. UNDERWOOD. I shall be glad to have them.

Mr. McCUMBER. I do not care so much about the importations in quantity as I do about what we are getting out of the luxuries. When the Senator in his own bill fixed a rate of 45 per cent ad valorem, he did not fix it for protection. He placed that duty in the Underwood bill for revenue only, because he wanted to get a good revenue out of these luxuries. The country is a great deal more distressed to-day than it was in 1913. The country needs money more. If it needed 45 per cent then, it certainly needs 60 per cent now if it can get more out of it by raising the rate to 60 per cent.

I stated that I would give the Senator a few figures to indicate what effect the change of rates upon these luxuries had in the matter of the revenues received therefrom. Paragraph 232, which we just passed, covers mosaic cubes of marble, breccia, and onyx, and paragraph 233 covers marble, breccia, onyx, alabaster, and jet, and also agate, rock crystal, or other semiprecious stone.

On mosaic cubes in the year 1917 we had a duty of 1 cent per pound and 30 per cent ad valorem. We collected revenue from that one particular article amounting to \$46,326; in 1908 we collected \$43,375; in 1909, \$26,988; in 1910—they were then divided into two brackets—we collected for one class \$2,256 and for the other \$17,589. That made nearly \$20,000 received in that year. In 1911 we collected \$11,000; in 1912, \$12,975; and in 1913 we received \$15,000.

Then came 1914 with the reduction in the tariff rate, and our receipts immediately dropped to \$4,025, a loss of nearly three-fourths of the revenue.

This is a revenue duty only; a revenue duty levied upon luxuries. If we take all of these commodities together as they are grouped in the statistics of imports and duties, we find that in 1910, with a 50 per cent ad valorem, we collected \$105,695; in 1911 we collected with the same duty \$109,000; in 1912 we collected \$116,000; in 1913 we collected \$121,000. Then the rates were changed, and we collected \$37,620—quite a heavy loss in revenue.

This is a duty not for the purpose of protection; I do not think we need for protection so heavy a duty; but, in my opinion, when conditions become normal in this country and the people begin to make a little more money than they are now making in these hard times, they will purchase more of this Italian marble and onyx, and so forth, for their homes, for statues, and so forth, and we shall get considerably more revenue. That is all we expect from it.

Mr. UNDERWOOD. Mr. President, I only have this to say in answer to the Senator from North Dakota: When a luxury is taxed the greatest amount of revenue is not always received by levying the highest tax. To a certain extent, people will pay the price for a luxury; but when the price of the luxury is raised above what their pocketbooks can afford, then they are going to do without it, as they can always do without a luxury. If the tax should be reduced and some importations be invited, the revenue of the Government might be very largely increased, but when the tax is raised higher and gets nearer to the prohibitive point, in my judgment, revenue will be cut off.

I am satisfied the Senator from North Dakota, however, is not writing this bill on the principle of levying taxes for revenue. I noticed in paragraph 1429 a tax of 10 per cent is levied on diamonds, which most people consider a luxury. A duty of 20 per cent is levied on pearl. On such luxuries as monuments or tombstones the tax is 60 per cent, while a woman is taxed 10 per cent for the pearl necklace which she wears.

Mr. McCUMBER. It is rather difficult to hide a tombstone in the heel of one's shoe, but it is not difficult to hide a \$200,000 diamond there. We have had some experience in attempting to collect a large duty from diamonds, and the Senator from Alabama himself, realizing that, only imposed a duty of 10 per cent upon diamonds in the tariff for revenue only bill which bears his name.

Mr. President, when the duties on diamonds ran as high as 20 per cent it was ascertained that the diamonds brought into this country exceeded in value by several times the diamonds which came in under a lesser duty, whereas there was not collected anywhere nearly as much revenue as was collected when the lower duty was levied. Were it possible to prevent smuggling we should all be in favor of an extremely high duty upon that luxury, but after many years of trial we ascertained that

the imposition of a higher duty simply induces smuggling, because it makes profitable the smuggling of an article that may easily be smuggled into the country. We have to look at the situation from the practical standpoint.

Mr. ROBINSON. Mr. President, I inquire of the Senator from North Dakota whether the Finance Committee in its studies of the tariff on marble, and particularly the tariff to be imposed under this paragraph, considered the question of the maximum revenue rate? Did the committee look into that question? I am asking for information.

Mr. McCUMBER. I think we have fixed it at the maximum revenue rate.

Mr. ROBINSON. That is not the question I asked.

Mr. McCUMBER. I should not think so unless I had gone into it to some extent. When the Senator asks me the question I say yes, I do think so.

Mr. ROBINSON. Mr. President, I agree with the Senator from Alabama that a tax of 60 per cent will more than likely prove prohibitive, or, at least, will diminish rather than increase the revenue. I also agree with the Senator from Alabama that the rate under existing law is probably too high for a maximum revenue rate.

Mr. McCUMBER. If the Senator will allow me, I should like to suggest that under a 50 per cent rate we collected considerably more revenue than was derived under a lower rate. That rate did not seem to check the revenue.

Mr. ROBINSON. But I point out to the Senator that there has been an enormous development in the marble industry in the United States since that time. The revenue derived from this item under existing law is comparatively small. On articles of onyx it averaged during the last few years less than \$1,000 a year, probably less than \$500 a year; on articles of alabaster the revenue averaged between \$2,000 and \$3,000 a year during the last four or five years; on articles of agate less than \$10,000 a year; on articles of rock crystal approximately \$500 a year; and on other semiprecious stone embraced in the paragraph the importations were small and the duty collected comparatively unimportant.

Everyone knows there is a point at which an increase in tariff rates operates to diminish importations. I have not the slightest doubt, although I confess the committee has not furnished information on which to form a scientific conclusion relative to the subject, that under the conditions now surrounding the industry in the United States the proposed rate, if adopted, will result in a diminution of revenue rather than an increase.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 47, line 21, after the word "millstones," to strike out "13" and insert "15," so as to read:

PAR. 234. Burrstones, manufactured or bound up into millstones, 15 per cent ad valorem.

Mr. SIMMONS. Mr. President, there is but little to be said about this item. The duty under the Payne-Aldrich bill on this commodity was 15 per cent ad valorem. In the pending bill the House provided a duty of 13 per cent ad valorem, which the Senate committee has increased up to the Payne-Aldrich rate. Under the act of 1913, the present law, this product came in free.

Burrstones is another name for what we commonly call in this country millstones. In the olden days, as I remember, nearly all the grain that we crushed in my section of the country, at any rate—and I think the statement applies to all sections of the country—was crushed by millstones, operating horizontally and mashing the grain into meal. The process has somewhat changed from that day to this.

The production in this country is not large and neither is the consumption. In 1912 we only produced about \$71,000 worth of these stones; in 1918 the production had increased to \$92,000 worth. The imports are very small, and they come principally from France. During nine months of the year 1921 the imports amounted only to \$9,678 worth. That is about 10 per cent of what we produced in 1918 in this country, and probably 15 per cent of what we produced in 1912. That is all of this article that came in when it was upon the free list. If you impose a duty of 15 per cent upon it, I suppose that none at all will come in. I presume that will be practically prohibitive.

Mr. McCUMBER. Mr. President, if the Senator desires, I will tell him why we left this just as the House put it in.

The Senator has read correctly about all the importation we have, but even that very little importation is about 40 per cent

of the domestic production; and the House put in the millstones, which are produced only in two places, so far as I know, as they are not used very much now. They are practically obsolete, but some are made in Virginia and some are made in New York; and the House gave a duty of 13 per cent ad valorem upon the American valuation. We simply converted that as nearly as we could into the foreign valuation, and left it at 15 per cent.

If the House had left the item on the free list, we would not have taken the trouble to put it upon the dutiable list; but it was such a small item, so unimportant, such a mere bagatelle, that we did not think it was worth while to take up our time in the conference to agree on it, even if it did not take over 10 or 15 minutes.

Mr. SIMMONS. Mr. President, I want to say to the Senator that while these stones are not as generally used now as they used to be, in the rural districts they still have the old water mills, and there are a great many people who believe that meal ground in a water mill is much better than that ground at a mill run by steam.

Mr. McCUMBER. I think it is, too.

Mr. SIMMONS. While there are not many of them used in this country, there are some used, and I do not see any necessity for increasing the price.

As I said, while this article is upon the free list there is only \$9,000 worth of it imported. The Senator is right when he says that in one year 40 per cent was imported, but that time is past. That was in 1917. In 1921, or at the present time, there is only \$9,000 worth brought in, as against something like \$63,000 worth produced in this country.

I think the duty is prohibitive, and I do not know of any reason why we should impose a prohibitive duty against France. France is the only country from which we get these stones, I believe, and I do not see why they should not be allowed to remain on the free list; but, as the Senator says, the item is small, and I am willing to have a vote without any further discussion.

Mr. McCUMBER. Before we vote on that amendment I wish to ask unanimous consent that when the Senate closes its session for this calendar day it be to recess until to-morrow at 11 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SIMMONS. I will offer an amendment to reduce the rate to 5 per cent. I would move to put the article on the free list, but I believe some contention has been made here that that was not permissible; and I therefore move to reduce the duty to 5 per cent instead of 15 per cent.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 47, line 21, in lieu of the sum inserted by the committee, "15," it is proposed to insert "5."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the committee amendment.

Mr. HEFLIN. Let us have the yeas and nays on that.

The yeas and nays were not ordered, and the amendment was agreed to.

The VICE PRESIDENT. The next amendment will be stated.

The ASSISTANT SECRETARY. On page 48, line 1, the committee proposes to strike out "40" and insert "50," so as to read:

Freestone, granite, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for, hewn, dressed, or polished, or otherwise manufactured, 50 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 15 cents per cubic foot.

Mr. ROBINSON. Mr. President, this amendment proposed by the committee relates to freestone and other forms of building material and monumental material not embraced within paragraphs 232 and 233, which relate to marble, breccia, and onyx. The present rate, if I am correctly informed, is 25 per cent ad valorem. Under that rate production in the United States has been very large, and imports have been comparatively small.

Upon referring to the surveys made by the Tariff Commission, it is found that the production of these stones during the years 1910 to 1920, inclusive, ranged from something more than \$5,500,000 to approximately \$7,500,000. The imports of these stones for building in 1914 were valued at a little more than \$72,000.

Referring to granite, the production of that commodity in 1919 was almost \$20,000,000. The duty received was negligible, the imports ranging from approximately \$25,000 to something more than \$100,000.

Under the conditions existing, considering the very high cost of building materials, I do not believe that any tax higher than that now proposed is justified; and I therefore offer the following amendment.

On page 48, line 1, strike out "50" and insert "25."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 48, line 1, in lieu of the sum proposed to be inserted by the committee, "50," it is proposed to insert "25."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

Mr. ROBINSON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. DIAL (when his name was called). Making the same announcement as on the former vote, I vote "yea."

Mr. JONES of Washington (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. MCKINLEY (when his name was called). Making the same announcement as before, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

The roll call was concluded.

Mr. HARRIS. Making the same announcement of my pair and its transfer, I vote "yea."

Mr. COLT. Making the same announcement as before, I vote "nay."

Mr. EDGE. Making the same announcement as before, I vote "nay."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Indiana [Mr. NEW] with the Senator from Tennessee [Mr. MCKELLAR];

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE];

The Senator from Arizona [Mr. CAMERON] with the Senator from Georgia [Mr. WATSON]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 14, nays 36, as follows:

YEAS—14.

Dial	Heflin	Robinson	Stanley
Fletcher	La Follette	Sheppard	Underwood
Harris	Overman	Shields	
Harrison	Pittman	Simmons	

NAYS—36.

Ball	France	Lenroot	Pepper
Brandegee	Frelinghuysen	Lodge	Philpps
Broussard	Hale	McCumber	Ransdell
Bursum	Harrell	McKinley	Smoot
Capper	Johnson	McLean	Sterling
Colt	Jones, Wash.	Moses	Sutherland
Curtis	Kellogg	Newberry	Townsend
Edge	Kendrick	Nicholson	Wadsworth
Ernst	Ladd	Oddie	Warren

NOT VOTING—46.

Ashurst	Gerry	New	Stanfield
Borah	Glass	Norbeck	Swanson
Caldier	Gooding	Norris	Trammell
Cameron	Hitchcock	Owen	Walsh, Mass.
Caraway	Jones, N. Mex.	Page	Walsh, Mont.
Crow	Keyes	Polindexter	Watson, Ga.
Culherson	King	Pomerene	Watson, Ind.
Cummins	McCormick	Rawson	Weller
Dillingham	McKellar	Reed	Williams
du Pont	McNary	Shortridge	Willis
Elkins	Myers	Smith	
Fernald	Nelson	Spencer	

So Mr. ROBINSON's amendment to the committee amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 48, line 4, to strike out "2" and insert in lieu thereof "\$1.75," so as to read:

Grindstones, finished or unfinished, \$1.75 per ton.

Mr. SIMMONS. Mr. President, this article does not require much discussion. We all know what the grindstone is. It is used on every farm, and it is also used in connection with mak-

ing pulp and paper. The value of grindstones and pulp stones produced in the United States in 1917 was \$1,147,784. Most of them were produced in Ohio. The chief competitor of the grindstone it seems is a grinding wheel made of artificial abrasives. The value of the domestic product in 1920 was \$1,707,004. The importations in 1913 were \$139,000. The importations in 1920 were \$77,000, and in the nine months of 1921 they were \$67,000. It appears, therefore, that the importations have been falling off. They are just about half what they were in 1913. The production has been increasing. It increased from \$1,147,000 in 1917 to \$1,707,000 in 1920.

But that is not all. The exports, largely to Canada and to Cuba, have been as follows:

In 1918 they were \$210,889, as against \$55,583 imports in the same year. In 1919 the exports were \$297,000, as against imports of \$50,000.

In 1920 we exported of this product \$424,322 worth, as against imports for that year of \$77,000. Our exports have been five or six times the amount of the imports, and our imports have been less than one-twentieth of our domestic production.

Under these circumstances there would seem to be no reason for increasing the present duty, which is \$1.50 per ton, and I offer an amendment to substitute \$1.50 for \$1.75. The difference is very little; but I submit that the imports and the exports, taken in connection with domestic production, do not justify any increase in the rate.

Mr. McCUMBER. Mr. President, I do not desire to take up any time. I simply wish to say to the Senator that if he can explain why he wants \$1.50 duty a ton on grindstones I can easily explain why I want \$1.75, or an extra 25 cents over the rate asked by the Senator.

Mr. SIMMONS. I explained it. I do not think, as a matter of fact, the circumstances are such as to require any duty upon this article at all, and if the Senator is not satisfied, I will offer as an amendment that it be reduced to \$1. I move that amendment to the amendment of the committee.

Mr. McCUMBER. Let us have a vote on it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina to the committee amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the committee amendment.

The amendment was agreed to.

The next amendment of the committee was, on page 48, line 8, before the words "per centum," to strike out "17" and insert in lieu thereof "15," so as to read:

Slates, slate chimney pieces, mantles, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for, 15 per cent ad valorem.

Mr. ROBINSON. Mr. President, the prevailing rate on this commodity, slate, is 10 per cent ad valorem. Under that rate importations have never exceeded approximately \$4,500, the highest being in the year 1920. The duty derived from the commodity now is negligible. Slates, as everyone knows, are very useful in construction. I move to strike out "15" and to insert in lieu thereof "10."

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

Mr. HEFLIN. Mr. President, I wonder if the chairman of the committee is willing now to have a short executive session, or would he like to proceed for a couple of hours longer?

Mr. SMOOT. We have just one more amendment that we want to have acted on.

Mr. McCUMBER. There is one more paragraph in this schedule, and I wish we could vote on that and then take our recess.

Mr. HEFLIN. What is the proposition the Senator desires to vote on?

Mr. McCUMBER. I propose that we shall take a recess as soon as we vote on the next item.

Mr. HEFLIN. What is that item?

Mr. McCUMBER. Watch crystals.

Mr. SMOOT. It is a new industry established in this country during the war.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 48, line 9, strike out "40" and insert in lieu thereof "60," so as to read:

Watch crystals, 60 per cent ad valorem.

Mr. ROBINSON. Mr. President, the information furnished the Senate respecting this item is to the effect that the manufacture of watch crystals is a new industry in the United States. The principal importations formerly came from France,

Germany, Switzerland, and Austria. With the beginning of the war, importations were suspended and a new industry developed in the United States. It does not appear, however, that there are any importations now under the existing rate.

Mr. SMOOT. They are classified under a basket clause, and therefore we can not tell exactly what are the importations.

Mr. ROBINSON. I am inclined to think that the prevailing rate is adequate. So I offer an amendment to strike out "60," in line 9, and insert in lieu thereof "30."

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

BENEFICIARIES OF UNITED STATES VETERANS' BUREAU (S. DOC. NO. 204).

The VICE PRESIDENT laid before the Senate a communication from the Director of the United States Veterans' Bureau, transmitting a draft of a proposed joint resolution providing for the making of allotments of appropriations by the United States Veterans' Bureau to the United States Public Health Service, which was referred to the Committee on Appropriations and ordered to be printed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 10 o'clock and 5 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Wednesday, May 24, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23 (legislative day of April 20), 1922.

PROMOTIONS IN THE NAVY.

To be ensigns in the Navy.

Francis M. Adams.	John P. Cady.
Bruce B. Adell.	William S. Campbell.
Cecil C. Adell.	Daniel B. Candler, jr.
Frank Akers.	Beverly E. Carter.
Thomas Aldred.	Bertrand B. Cassels.
Clifford M. Alvord.	Charles J. Cater.
Byron S. Anderson.	Joyce C. Cawthon.
Edwin P. Archibald.	Hubert W. Chanler.
Henry C. Archibald.	Albert E. Chapman.
Edward B. Arroyo.	Samuel F. Chase.
Charles L. Ashley.	Louis M. Childs, 2d.
Clarence L. C. Atkeson, jr.	Thomas F. Christie, jr.
Clarence L. Atkinson, jr.	Vernon O. Clapp.
William B. Ault.	Augustus D. Clark.
Carlos J. Badger.	Sherman R. Clark.
Harold D. Baker.	Arthur A. Clarkson.
James E. Baker.	James P. Clay.
Bradford Bartlett.	Wilson P. Cogswell.
George W. Bauernschmidt.	Edmonston E. Coll.
Thomas T. Beattie.	Charles O. Comp.
Ehrwald F. Beck.	John Connor.
Adolph E. Becker, jr.	Adelbert F. Converse.
Alvin L. Becker.	Frank M. Converse.
Robert W. Bedillion.	George D. Cooper.
John P. Bennington.	George R. Cooper.
Herbert E. Berger.	Delbert S. Cornwell.
Gus R. Berner, jr.	Thomas A. Cory.
Warren K. Berner.	George W. D. Covell.
William H. Beyrer.	Jesse G. Coward.
Worthington S. Bitler.	John M. Cox, jr.
James C. Blake.	Edward C. Craig.
Robert E. Blick, jr.	James E. Craig.
Clinton W. Blount.	Charles W. Crawford.
Robert E. Blue.	William C. Cross.
George T. Boldizar.	Edgar A. Cruise.
Eaton A. Boothe.	Andrew W. Cruse.
Ralph F. Bradford, jr.	Edward B. Curtis.
Anthony R. Brady.	Anthony L. Danis.
William E. Brice.	John Y. Dannenberg.
Thomas O. Brown, jr.	Roy R. Darron.
Alfred C. Bruce.	Hallock G. Davis.
Arthur W. Bryan.	William P. Davis.
Ellwood E. Burgess.	Harold T. Dawson.
Ralph W. Burleigh.	Carlton C. Dickey.
Harry St. J. Butler.	Arthur F. Dineen.
Horace B. Butterfield.	Charles A. Dodge.

Richard W. Dole.
James H. Dorsey.
Nicholas A. Drait.
Streuby L. Drumm.
Herbert S. Duckworth.
Ferdinand C. Dugan, jr.
Thomas B. Dugan.
Joseph B. Dunn.
Thomas S. Dunstan.
Edward R. Durgin.
Ralph Earle, jr.
Frederick J. Eckhoff.
Russell J. Ehle.
Kenneth O. Ekelund.
Donald R. Eldridge.
Rogers Elliott.
Lysle E. Ellis.
Eugene E. Elmore.
William A. Engeman, jr.
Robert A. J. English.
Carl F. Espe.
Donald S. Evans.
John V. Farrington.
Perry M. Fenton.
Beauford W. Fink, jr.
William A. Finn.
Andrew M. R. Fitzsimmons.
Merritt J. Flanders.
Nathaniel M. Floyd.
Lloyd D. Follmer.
Kenneth L. Forster.
Edward C. Forsyth.
Edward W. Foster.
Frederic D. Foster.
Edward R. Frawley.
John E. French.
William L. Freseman.
John J. B. Fulenwider.
Charles M. Furlow, jr.
Donald W. Gardner.
Edward R. Gardner, jr.
Harry C. Garrison.
Charles D. Garvin.
Frank B. Gary, jr.
John F. Geise.
Walter E. Gist.
Hubbard F. Goodwin.
Hugh H. Goodwin.
Malcolm M. Gossett.
Samuel K. Groseclose.
Bradford E. Grow.
John W. Guider.
Ralph R. Gurley.
Hugh W. Hadley.
Peter G. Hale.
Ignatius J. Haley.
Frederick S. Hall.
Fulwar S. Halsell.
Arthur LeR. Hamlin.
Raymond A. Hansen.
David W. Hardin.
John S. Harper.
Daniel W. Harrigan.
Norman Hattermer.
Charles A. Havard.
Harold G. Hazard.
Howard R. Healy.
John S. Hedrick.
Carlyle L. Helber.
John M. Higgins.
Robert B. Higgins, jr.
Tom B. Hill.
Howard Hogan.
William B. Holden.
John A. Hollowell, jr.
William L. Holm.
Wilfred J. Holmes.
Alfred J. Homann.
Charles F. Hooper.
Vernon Huber.
Ralph H. Hudson.
Leon J. Huffman.
John R. Hume.
Charles O. Humphreys.

Robert N. Hunter.
William F. Hurt.
Howard B. Hutchinson.
Emory P. Hylant.
Henry A. Ingram.
Riley R. Jackson.
Harry B. Jarrett.
Howard L. Jennings.
Francis B. Johnson.
John N. Johnson.
James R. Johnson, jr.
Robert L. Johnson.
Rudolf L. Johnson.
Bates H. Johnston.
Donald H. Johnston.
Wilbur G. Jones.
William C. Jordan.
Alexander F. Junker.
David B. Justice.
Leonard Kaplan.
Albert V. Kastner.
Roland P. Kauffman.
Harry Keeler, jr.
Austin S. Keeth.
Thomas H. Kehoe.
Ralph C. Kephart.
Robert A. Knapp.
Omer A. Kneeland.
Leslie A. Kniskern.
Frederick E. Kraemer.
William C. Latta.
Palmer K. Leberman.
Wallace T. Lee.
Harry M. Leighley.
John H. Leppert.
John C. Lester.
Clarke H. Lewis.
Ruthven E. Libby.
Louis D. Libenow.
Irving L. Lind.
Hugh W. Lindsay.
Mellish M. Lindsay, jr.
Marion N. Little.
Aaron R. Lyon.
James A. McBride.
Alan R. McCracken.
William G. McCrea.
Robert P. McDonald.
Frederick K. McElroy.
Howard D. McIntosh.
Kenmore M. McManes.
James B. McVey.
Charles J. McWhinnie.
Henry F. MacComsey.
Michael J. Malanaphy.
Alvin I. Malstrom.
Leon J. Manees.
Bernard E. Manseau.
Alfred R. Mead.
Francis J. Mee.
George L. Menocal.
John G. Mercer.
Edward C. Metcalfe.
Woodson V. Michaux.
Milton E. Miles.
Theodore W. Miller.
James A. Mitchell.
William D. Moorer, jr.
Albert K. Morehouse.
Robert W. Morse.
Gordon Moses.
John E. Murphy.
Marion E. Murphy.
Charles W. Myers.
Harold S. Nager.
Alan R. Nash.
Henry P. Needham.
George L. Neely.
Peter J. Neimo.
Roger E. Nelson.
John L. Nestor.
Milton F. Nicholson.
George E. Nold.
Thomas H. Ochiltree.

George P. Hunter.
Edward J. O'Kane.
Isaiah Olch.
Jerauld L. Ohmsted.
Howard E. Orem.
George E. Palmer.
William B. Pape.
Harold E. Parker.
John E. Parker.
Henry L. Parry.
William S. Parsons.
Harold C. Patton.
Leo P. Pawlikowski.
Norman A. Pedersen.
Malcolm W. Pemberton.
Charles C. Phleger.
Edward H. Pierce.
Harry W. Pierce.
John J. Pierrefont, 2d.
Arthur L. Pleasants, jr.
Kenneth Porter.
John L. Pratt.
Harold F. Pullen.
Dale Quanton.
Gerald U. Quinn.
Thomas J. Raftery.
Lucien Ragonnet.
Edwin V. Raines.
Harry A. Rawlings.
Owen Rees.
Herbert E. Regan.
Frederick F. Richards.
Hyman G. Rickover.
Frederick L. Riddle.
Augustin K. Ridgway.
Whitaker F. Riggs, jr.
Armand J. Robertson.
Walter W. Rockey.
Albert L. R. Rosenstein.
James M. Ross.
Robert B. Rothwell.
Frank W. Rowe, jr.
Rudolph C. Rupert.
Thomas C. Ryan, jr.
James G. Sampson.
Alden R. Sanborn.
William V. Saunders.
Richard C. Scherrer.
Henry J. Schmidt.
William J. Sebal.
Henry L. Shenier.
Earl V. Sherman.
John H. Shultz.
Samuel Silverman.
Valvin R. Sinclair.
Herschel A. Smith.
Horatio D. Smith.
Harry T. Smith.
John A. Smith.
Robert H. Smith.
Henri H. Smith-Hutton.
Cornelius S. Snodgrass.

John J. O'Donnell, jr.
Edward A. Solomons.
Gerald A. Stacey.
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